

# **Education for Homeless Children and Youths Program Non-Regulatory Guidance**

**Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by  
the Every Student Succeeds Act**



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**Executive Summary and Key Changes**

The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (McKinney-Vento Act). The McKinney-Vento Act was originally authorized in 1987 and most recently re-authorized in December 2015 by the Every Student Succeeds Act (ESSA).<sup>1</sup>

The McKinney-Vento Act is designed to address the challenges that homeless children and youths have faced in enrolling, attending, and succeeding in school. This particularly vulnerable population of children has been increasing; from the 2006-2007 school year to the 2013-2014 school year, the total number of homeless children and youths approximately doubled from 679,724 to 1,301,239 students, according to [EHCY program data](#).<sup>2</sup> Under the McKinney-Vento Act, State educational

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<sup>1</sup> All references in this document to requirements under the McKinney-Vento Act or the EHCY Program are to requirements under the McKinney-Vento Act, as amended by the ESSA.

<sup>2</sup> To view the Federally Required State Data Collection for the McKinney-Vento Education Assistance Improvements Act of 2001, please visit: <http://www2.ed.gov/programs/homeless/performance.html> and [http://center.serve.org/nche/pr/data\\_comp.php](http://center.serve.org/nche/pr/data_comp.php).

agencies (SEAs) must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youths. Homeless children and youths must have access to the educational and related services that they need to enable them to meet the same challenging State academic standards to which all students are held. In addition, homeless students may not be separated from the mainstream school environment.<sup>3</sup> SEAs and local educational agencies (LEAs) are required to review and undertake steps to revise laws, regulations, practices, or policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youths.

The McKinney-Vento Act includes, among other things, new or changed requirements focused on:

1. Identification of homeless children and youths;
2. Preschool-aged homeless children, including clarification that local liaisons must ensure that these children and their families have access to and receive services, if eligible, under LEA-administered preschool programs, including Head Start, Part C of the Individuals with Disabilities Education Act (IDEA) (Early Intervention Program for Infants and Toddlers with Disabilities), and other preschool programs administered by the LEA;
3. Collaboration and coordination with other service providers, including public and private child welfare and social services agencies; law enforcement agencies; juvenile and family courts; agencies providing mental health services; domestic violence agencies; child care providers; runaway and homeless youth centers; providers of services and programs funded under the Runaway and Homeless Youth Act; and providers of emergency, transitional, and permanent housing, including public housing agencies, shelter operators, and operators of transitional housing facilities;
4. Professional development and technical assistance at both the State and local levels;
5. Removing enrollment barriers, including barriers related to missed application or enrollment deadlines, fines, or fees; records required for enrollment, including immunization or other required health records, proof of residency, or other documentation; or academic records, including documentation for credit transfer;
6. School stability, including the expansion of school of origin to include preschools and receiving schools and the provision of transportation until the end of the school year, even if a student becomes permanently housed;
7. Privacy of student records, including information about a homeless child or youth's living situation; and
8. The dispute resolution process.

In addition, the ESSA removes “awaiting foster care placement” from the definition of “homeless children and youths.”<sup>4</sup>

The McKinney-Vento Act strongly emphasizes the importance of school stability for homeless children and youths. Changing schools multiple times significantly impedes a student's academic and social growth. The research on highly mobile students, including homeless students, indicates

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<sup>3</sup> Except for the limited exception in section 722(e)(3)(B) of the McKinney-Vento Act, as described more fully in footnote 15.

<sup>4</sup> For more information on children and youths “awaiting foster care placement”, please see question A-2.

that a student can lose academic progress with each school change.<sup>5</sup> Highly mobile students have also been found to have lower test scores and worse overall academic performance than peers who do not change schools frequently.<sup>6</sup> Therefore, the McKinney-Vento Act calls for LEAs to maintain students in their school of origin to promote school stability and greater educational outcomes overall, unless it is not in the student's best interest.

Significantly, a number of the changes that the ESSA made to the McKinney-Vento Act highlight and respond to the needs of homeless children and youths across the educational spectrum. There is an increased focus on services for preschool-aged homeless children, which data show compose a major share of the overall homeless population;<sup>7</sup> this includes the explicit inclusion of preschools in the definition of "school of origin." A number of changes also draw attention to the need for homeless youths in secondary school to be college- and career-ready, and the important role that school staff play in the transition to postsecondary education. The ESSA also requires that SEAs implement procedures to ensure full and partial credit transfer for these students. Additionally, the McKinney-Vento Act now has a strengthened emphasis on the unique needs of, and supports for, unaccompanied homeless youths, such as through the verification of independent student status for the purposes of the Free Application for Federal Student Aid (FAFSA) and improved coordination with other federally funded homeless assistance programs for which these youths may be eligible.

### **Transition to ESSA Amendments**

In general, SEAs and LEAs must begin implementing the new McKinney-Vento Act requirements by October 1, 2016. As noted above, however, the ESSA amended section 725 of the McKinney-Vento Act, removing "awaiting foster care" from the definition of "homeless children and youths." This change is effective on December 10, 2016, for most States. (Please see question A-2 for more information.) Additionally, please note that although States must begin implementing most new McKinney-Vento Act requirements by October 1, 2016, States will not be required to submit State plans reflecting the new requirements until 2017.<sup>8</sup>

This guidance also addresses certain provisions under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the ESSA, that are specifically relevant to homeless children and youths, including changes to requirements for determining the LEA set-aside for homeless children and youths. In general, these provisions take effect beginning with the 2017-2018 school year. Thus, SEAs and LEAs should begin planning for the implementation of these

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<sup>5</sup> National Center for Homeless Education (2011). NCHE mobility study bibliography. Retrieved from [http://center.serve.org/nche/downloads/nche\\_mobil\\_biblio.doc](http://center.serve.org/nche/downloads/nche_mobil_biblio.doc)

<sup>6</sup> For example, see Cutuli, J.J., Desjardins, C.D., Herbers, J.E., Long, J.D., Heistad, D., Chan, C., Hinz, E., & Masten, A.S. (2013). "Academic achievement trajectories of homeless and highly mobile students: Resilience in the context of chronic and acute risk." *Child development*, 84(3), pages 841-857

<sup>7</sup> For example, half of all people in shelters in 2012 were reported as children age 0 through 5 according to the 2012 Annual Homeless Assessment Report, Volume 2 available at <https://www.hudexchange.info/resource/3297/2012-ahar-volume-2-estimates-of-homelessness-in-the-us/>; see also "Fact Sheet: Homelessness and Early Learning" available at <http://www.naehcy.org/educational-resources/early-childhood>

<sup>8</sup> On May 31, 2016, the U.S. Department of Education (Department) published proposed regulations regarding the submission of State plans for programs under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the ESSA, and the McKinney-Vento Act, which include proposed requirements governing submission deadlines. (See 81 Fed. Reg. 34540 (May 31, 2016)). Specific information regarding State plans, including submission timelines, will be provided following issuance of final regulations.

changes in spring 2017, and SEAs should have mechanisms in place to provide technical assistance and guidance, as well as a coordinated review process between the Office of the Coordinator and SEA-level Title I, Part A program staff.

### **Purpose of the Guidance**

This revised non-regulatory guidance for the McKinney-Vento program replaces the July 2004 guidance and includes new questions that reflect both the amendments to the McKinney-Vento Act made by the ESSA, which take effect on October 1, 2016,<sup>9</sup> and new technical assistance on promising practices for implementing homeless education requirements at the State and local levels. The guidance describes the requirements of the new statute and provides recommendations for addressing many of those requirements.

The Department has determined that this guidance is significant guidance under Office of Management and Budget’s Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). See

[www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507\\_good\\_guidance.pdf](http://www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf). Significant guidance is non-binding and does not create or impose new legal requirements. The Department is issuing this guidance to provide States and LEAs with information to assist them in meeting their obligations under the McKinney-Vento Act. If you are interested in commenting on this guidance, please email your comments to [OESEGuidanceDocument@ed.gov](mailto:OESEGuidanceDocument@ed.gov) or write to us at the following address:

U.S. Department of Education  
Office of Elementary and Secondary Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

For further information about the Department’s guidance processes, please visit [www2.ed.gov/policy/gen/guid/significant-guidance.html](http://www2.ed.gov/policy/gen/guid/significant-guidance.html).

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<sup>9</sup> The ESSA provision that removes children and youths who are “awaiting foster care placement” from the definition of “homeless children and youths” under the McKinney-Vento Act is effective on December 10, 2016, for all but “covered” States. See question A-2 for more information.

## **I. Introduction**

### **A. Rights and Eligibility**

#### **A-1. What is meant by the term “homeless children and youths”?**

Section 725(2) of the McKinney-Vento Act<sup>10</sup> defines “homeless children and youths” as individuals who lack a fixed, regular, and adequate nighttime residence. The term includes—

- Children and youths who are:
  - sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as “doubled-up”);
  - living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
  - living in emergency or transitional shelters; or
  - abandoned in hospitals;
- Children and youths who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless because they are living in circumstances described above.

#### **A-2. Are children who are awaiting foster care placement still eligible for services under the McKinney-Vento Act?**

The McKinney-Vento Act no longer includes children and youths who are awaiting foster care placement in the definition of “homeless children and youths.” For all non-“covered” States, this change is effective on December 10, 2016.<sup>11</sup> This means that after the effective date, children who are 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 and youths.”

The Elementary and Secondary Education Act of 1965 (ESEA), as amended by the ESSA,<sup>12</sup> includes new provisions for ensuring the educational stability of children in foster care under Title I, Part A. Joint U.S. Department of Education and Department of Health and Human Services (HHS) guidance on those provisions can be found [here](#).<sup>13</sup>

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<sup>10</sup> All statutory citations are to the McKinney-Vento Act unless otherwise indicated.

<sup>11</sup> For “covered” States (i.e., those that have a statutory law that defines or describes the phrase “awaiting foster care placement” for purposes of a program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act), the effective date for this change is December 10, 2017. (ESSA section 9105(b)).

<sup>12</sup> Throughout this document, unless otherwise indicated, citations to the ESEA refer to the ESEA, as amended by the ESSA.

<sup>13</sup> The joint guidance on educational stability for children in foster care is available at: <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>.



### **A-3. What criteria may an LEA consider when determining if a child or youth lives in “substandard housing”?**

The inclusion of substandard housing in the definition of homeless children and youths has caused some confusion because standards for adequate housing may vary by locality. In determining whether a child or youth is living in “substandard housing,” an LEA may consider whether the setting in which the family, child, or youth is living lacks one of the fundamental utilities such as water, electricity, or heat; is infested with vermin or mold; lacks a basic functional part such as a working kitchen or a working toilet; or may present unreasonable dangers to adults, children, or persons with disabilities. Each city, county, or State may have its own housing codes that further define the kind of housing that may be deemed substandard.

### **A-4. How can SEAs and LEAs ensure that homeless children and youths have equal access to the same free, appropriate public education, including public preschool education, as provided to other children and youths?**

The McKinney-Vento Act includes a broad, ongoing requirement for SEAs and LEAs to review policies or practices that may act as barriers to the identification, enrollment, attendance, and school success of homeless children and youths, including barriers due to outstanding fees or fines or absences. (*See, e.g.*, sections 721, 722(g)(1)(I)). It is important for SEAs and LEAs to consistently review their policies and practices with regular input from homeless parents, youths, and advocates so that new barriers, or barriers that the SEA or LEA staff may be unaware of, do not prevent children and youths from receiving the free, appropriate public education to which they are entitled. In addition, where laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youths, SEAs and LEAs must undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths. (Sections 721, 722(g)(1)(I), 722(g)(7)). The process of reviewing and revising policies should include a review of school discipline policies that disproportionately impact homeless students, including those who are also children and youths of color; those who identify as lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ); English learners<sup>14</sup>; and students with disabilities. In addition, SEAs and LEAs retain their obligations to ensure that homeless children and youths who are eligible children with disabilities under Part B of the IDEA or qualified students with disabilities under section 504 of the Rehabilitation Act of 1973 (Section 504) retain the rights and protections of those laws, including their right to receive a free appropriate public education (FAPE). (*See* 34 CFR part 300 (the Department’s regulations implementing Part B of the IDEA) and 34 CFR part 104 (the Department’s regulations implementing Section 504)). State lead agencies, and LEAs, if applicable, also retain their responsibilities to ensure that eligible infants and toddlers with disabilities and their families receive required early intervention services under

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<sup>14</sup> Additional information about an LEA’s obligations to EL students and limited English proficient parents under Title VI and EEOA is available in a Dear Colleague Letter jointly released by ED and the Department of Justice in January 2015, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>. The Department’s English Learner Tool Kit helps SEAs and LEAs to fulfill these obligations and support ELs. The Tool Kit has 10 chapters (one for each section of the DCL), contains an overview, sample tools, and resources, and is available at <http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/eltoolkit.pdf>.

Part C of the IDEA. (See 34 CFR part 303 (the Department’s regulations implementing Part C of the IDEA)).

### **A-5. What Federal civil rights requirements apply to school districts in educating homeless children?**

As recipients of Federal financial assistance and as public entities, school districts must not discriminate against homeless children in their educational programs based on race, color, national origin, sex, age, or disability. The Department’s Office for Civil Rights (OCR) enforces Federal laws that prohibit discrimination on the basis of—

- race, color, or national origin, including discrimination based on a person’s limited English proficiency or English learner status or discrimination based on a person’s actual or perceived shared ancestry or ethnic characteristics (Title VI of the Civil Rights Act of 1964);
- sex, including discrimination based on pregnancy or parental status, sex stereotypes (such as treating persons differently because they do not conform to sex-role expectations or because they are attracted to or are in relationships with persons of the same sex), and gender identity or transgender status (Title IX of the Education Amendments of 1972);
- age (Age Discrimination Act of 1975); and
- disability (Section 504 of the Rehabilitation Act of 1973, as applied to recipients of Federal financial assistance, and Title II of the Americans With Disabilities Act of 1990, as applied to public educational entities, regardless of Federal funds).

For more information about the application of these laws, contact the [OCR enforcement office](#) that serves your State.<sup>15</sup>

### **A-6. What are the responsibilities of LEAs regarding the privacy of information about a student’s homelessness?**

Information about a student’s living situation that is maintained by the LEA is part of the student’s record, subject to the protections of the Family Educational Rights and Privacy Act (FERPA). FERPA protects the privacy of student education records. FERPA gives parents certain rights with respect to their children’s education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are called “eligible students.” Parents or eligible students have the right to inspect and review the student’s education records maintained by the LEA. Parents or eligible students also have the right to seek to correct records that they believe to be inaccurate or misleading. FERPA also prohibits an LEA from disclosing personally identifiable information (PII) from students’ education records without the consent of a parent or eligible student, unless an exception to FERPA’s general consent rule applies.

One such exception to FERPA’s general consent rule is for information that the LEA has designated as “directory information,” which is information that would not generally be considered harmful or an invasion of privacy if disclosed, such as a student’s name or photograph, under the conditions set forth in the FERPA regulations at 34 CFR § 99.37. Although an LEA or an educational institution

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<sup>15</sup> To find contact information for a regional OCR office, visit: <https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>

may designate a student's address as directory information under FERPA, under the McKinney-Vento Act, information regarding a student's living situation is not considered directory information (section 722(g)(3)(G)). As a result, information about a student's living situation must be provided the same protections as other non-directory, PII contained in student education records under FERPA. The early intervention and education records of infants and toddlers and children with disabilities also are protected by the confidentiality of information provisions in Parts B and C of the IDEA. (See 20 U.S.C. 1417(c) and 1442 and 34 CFR §§ 300.610 through 300.626 (Part B) and 34 CFR §§ 303.401 through 303.417 (Part C)). These IDEA regulations incorporate many of the protections of, and are consistent with, the FERPA statute and regulations, including the FERPA requirement to obtain prior written consent of the parent (or in the case of Part B, a student who has reached the age of majority under State law) and the FERPA exceptions to the prior written consent requirement. (See 34 CFR § 300.622 (Part B) and 34 CFR § 303.414 (Part C)).

#### **A-7. What requirements must be met in order for an LEA to disclose PII from education records?**

Generally, LEAs must obtain prior written consent from the parent or eligible student in order to disclose any PII from a student's education record. However, there are a number of exceptions to this general requirement. For example, FERPA allows, but does not require, LEAs to disclose PII from a student's education records, without prior written consent, to the following parties under the following conditions:

- school officials with legitimate educational interests;
- other schools or school systems to which a student seeks or intends to enroll or to transfer under the conditions set forth in the FERPA regulations at 34 CFR § 99.34;
- authorized representatives of specified officials to conduct audits or evaluations of Federal- or State-supported education programs under the conditions set forth in the FERPA regulations at 34 CFR § 99.35;
- appropriate parties in connection with a student's application for, or receipt of, financial aid;
- organizations conducting certain studies for or on behalf of the school or the LEA under the conditions set forth in the FERPA regulations at 34 CFR § 99.31(a)(6);
- accrediting organizations to carry out their accrediting functions;
- appropriate officials in cases of health and safety emergencies under the conditions set forth in the FERPA regulations at 34 CFR § 99.36;
- State and local authorities, within a juvenile justice system, pursuant to State law under the conditions set forth in the FERPA regulations at 34 CFR §§ 99.31(a)(5) and 99.38; or
- to comply with a judicial order or lawfully issued subpoena under the conditions set forth in the FERPA regulations at 34 CFR § 99.31(a)(9).
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As noted in response to question A-6, the confidentiality of information provisions applicable to the disclosure of PII from the education records of children with disabilities under Part B of the IDEA, and from the early intervention records of infants and toddlers with disabilities, where applicable, generally incorporate these FERPA exceptions to the prior written consent requirement. (34 CFR § 300.622 (Part B) and 34 CFR § 303.414 (Part C)).<sup>16</sup>

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<sup>16</sup> More information about FERPA and IDEA's confidentiality of information provisions may be found at [www2.ed.gov/policy/gen/guid/fpco/index.html](http://www2.ed.gov/policy/gen/guid/fpco/index.html).

**A-8. What additional steps should an LEA take to protect student privacy and ensure that student records are secure?**

In addition to incorporating practices to protect student privacy, such as holding conversations about students in private locations to prevent information from being overheard, liaisons should work with other school personnel to secure the PII contained in student databases and records. In particular, many homeless students are survivors of domestic violence or have other safety issues that must be addressed in student records and information release procedures. Failure to protect personal information can result in an inappropriate release of information that endangers students, their caregivers, and possibly even school personnel.

In addition, the Violence Against Women Act of 1994 (VAWA) and the Family Violence Prevention and Services Act (FVPSA) contain provisions governing the sharing of victims' PII. More information on the confidentiality protections in VAWA and the FVPSA may be found [here](#).<sup>17</sup>

**B. Prohibition Against Segregation**

**B-1. May States or districts segregate homeless children and youths in separate schools or in separate programs within a school?**

No. Homelessness is not sufficient reason to separate students from the mainstream school environment. (Section 721(3)). If a State receives funds under the McKinney-Vento program, every district in that State—whether or not it receives a McKinney-Vento subgrant from its SEA—is prohibited from segregating homeless students in separate schools<sup>18</sup> or in separate programs within schools, based on the child's or youth's homeless status. (Section 722(e)(3)). SEAs and LEAs must adopt policies and practices to ensure that students are not segregated or stigmatized on the basis of their homeless status. (Section 722(g)(1)(J)(i)).

Schools may not provide services with McKinney-Vento funds on school grounds in settings that segregate homeless children and youths from other children and youths (except as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet the unique needs of homeless children and youths). (Section 723(a)(2)(B)(ii)). In addition, services provided with McKinney-Vento Act funds must not replace the regular academic program and must instead be designed to expand upon or improve services provided as part of the school's regular academic program. (Sections 723(a)(2)(A)(iii), 723(a)(3)).

**B-2. May a district educate homeless children at an off-site facility, such as at a shelter?**

No. Homeless children and youths must be educated as part of a school's regular academic program, and services must be provided to homeless children and youths through programs and mechanisms that integrate homeless children and youths with their non-homeless peers. (See sections 721(1),

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[17 nnedv.org/policy/issues/vawaconfidentiality.html](http://17.nnedv.org/policy/issues/vawaconfidentiality.html)

<sup>18</sup> There is a very limited exception to the prohibition against segregating homeless students in separate schools or in separate settings within a school that applies only to four "covered counties"—Orange County, CA; San Diego County, CA; San Joaquin County, CA; and Maricopa County, AZ—if the conditions described in section 722(e)(3)(B) of the statute are met.

721(3), 722(e)(3), 722(g)(1)(J)(i)). Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. (Section 723(a)(2)(iii)).

**B-3. May a school separate a child from the regular school program if he or she resides in a domestic violence shelter?**

No. However, schools can and should coordinate with domestic violence service providers and others, as appropriate, to take all other necessary steps to protect any child who is a victim of domestic violence (including as a witness), such as protecting the child's identity in school data systems, arranging for anonymous pick-up and drop-off locations for school buses, enrolling the child in a different school, sensitizing bus drivers and school personnel to the child's circumstances, training school staff on confidentiality laws and policies, and helping the family to file copies of protective orders with the school. In this way, schools can address safety concerns and provide equal educational opportunities without causing further disruption in children's lives.

**II. State Activities**

**C. Federal Awards to States**

**C-1. On what basis does the Department award McKinney-Vento funds to States?**

The Department awards McKinney-Vento funds to States by formula. The amount that a State receives in a given year is based on the proportion of funds allocated nationally that it receives under Title I, Part A of the ESEA, for that year. (Section 722(c)(1)). For the purpose of determining allocations, the term "State" includes each of the fifty States, the District of Columbia, and Puerto Rico. (Section 725(5)).

**C-2. Are the outlying areas and the Bureau of Indian Education (BIE) eligible to receive McKinney-Vento funds?**

Yes. The Department is authorized to reserve 0.1 percent of each year's appropriation to award grants to the outlying areas (i.e., the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands). (Section 722(c)(2)(A)). In addition, the Department transfers, under a memorandum of agreement, one percent of each year's appropriation to the BIE for programs for homeless Indian students served by schools funded by the BIE. (Section 722(c)(2)(B)).

**D. State Uses of Funds**

**D-1. For what purposes may a State use its McKinney-Vento allocation?**

A State may use its McKinney-Vento allocation for the following purposes:

- *State activities* - A State that receives an allocation greater than the State minimum allotment (i.e., greater than \$150,000) may reserve for State-level activities up to 25 percent of its allocation for that fiscal year. A State funded at the minimum level may reserve for State-level activities up to 50 percent of its allocation for that fiscal year.
- *Subgrants to LEAs* - An SEA must award funds not reserved for State-level activities to LEAs on a competitive basis.

(Section 722(e)(1)).

**D-2. For what purposes may a State use McKinney-Vento funds that are reserved for State-level activities?**

A State may use McKinney-Vento funds, which are made available for State use, to support the broad array of activities conducted by the Office of the Coordinator. (See Section 722(f) and Part E of this guidance.) The SEA may conduct these activities directly or through grants or contracts. (Section 722(e)(2)).

**E. Office of the Coordinator**

**E-1. What are the primary responsibilities of the Office of Coordinator for Education of Homeless Children and Youths?**

The primary responsibilities of the Office of Coordinator (State Coordinator) are to:

- Gather and make publicly available reliable, valid, and comprehensive information on homeless children and youths, as described in more detail in question E-5;
- Develop and carry out the State’s McKinney-Vento plan;
- Collect and transmit to the Department, at such time and in such manner as the Secretary may reasonably require, a report containing the information that the Department determines is necessary to assess the educational needs of homeless children and youths;
- Coordinate activities and collaborate with educators and social service providers on behalf of the McKinney-Vento program; and
- Provide technical assistance to, and conduct monitoring of, LEAs in coordination with local liaisons to ensure that LEAs comply with the McKinney-Vento Act, also responding to inquiries from parents, guardians and homeless youths to ensure they receive the full protections of the law and relevant services. (Section 722(f)).

**E-2. What are State Coordinators’ responsibilities regarding technical assistance and professional development?**

Through strong leadership, and collaboration and communication with local liaisons, the State Coordinator should help ensure that districts carry out the requirements of the McKinney-Vento Act. State Coordinators should establish clear-cut policies and procedures at the State level and communicate this information to districts in order to facilitate the smooth and consistent implementation of the McKinney-Vento Act.

State Coordinators must provide professional development opportunities for LEA personnel, including the local liaison, to assist the personnel and liaison in identifying and meeting the needs of homeless children and youths. This includes providing training for local liaisons on the definitions of terms related to homelessness and eligibility requirements for Federal programs that serve homeless individuals. (Section 722(f)(6)). For more information, please see questions L-4 and L-5. Finally, State Coordinators must respond to inquiries from parents and guardians of homeless children and youths, and from unaccompanied homeless youths, to ensure that each child or youth who is the subject of the inquiry receives the full protections and services provided under McKinney-Vento. (Section 722(f)(7)).

**E-3. By what means should State Coordinators provide technical assistance and professional development?**

The State Coordinator may provide a wide range of technical assistance activities. These may include, but are not limited to, conferences, guidance, a State website that addresses McKinney-Vento issues, a directory of State resources, listservs, a toll-free help line, and newsletters or bulletins.

State-level technical assistance will be essential to familiarize new local liaisons with the requirements of the McKinney-Vento Act and to provide guidance on serving eligible students.

**E-4. What are examples of technical assistance or professional development that school districts may need?**

Areas in which school districts and local liaisons may need technical assistance include:

- Understanding the requirements of the McKinney-Vento Act;
- Establishing procedures to address problems related to school enrollment and selection;
- Establishing procedures to ensure homeless children and youth receive full and partial credit for work completed;
- Arranging transportation, including across district and State lines;
- Resolving disputes in an efficient and effective manner;
- Determining LEA needs and developing a plan for services;
- Creating school district and community awareness of the needs of eligible students;
- Identifying Federal, State, and local resources;
- Identifying homeless children and youths;
- Monitoring attendance, chronic absenteeism, dropout rates, suspensions, and expulsions among homeless children and youths;
- Collecting and reporting data;
- Enhancing parental involvement activities; and
- Identifying strategies for improving academic achievement.
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**E-5. What are the State Coordinator’s duties pertaining to information collection?**

The State Coordinator is required to gather and make publicly available reliable, valid, and comprehensive information on:

- The number of homeless children and youths identified in the State;
- The nature and extent of the problems homeless children and youths encounter in gaining access to public preschool programs and to public elementary schools and secondary schools;
- The difficulties in identifying special needs and barriers to participation and achievement of such children and youths;
- Any progress made by the SEA and LEAs in the State in addressing such problems and difficulties; and
- The success of McKinney-Vento programs in identifying homeless children and youths and allowing children and youths to enroll in, attend, and succeed in, school.

(Section 722(f)(1)).

#### **E-6. What information does the McKinney-Vento Act require the SEA to post on its website?**

The McKinney-Vento Act requires that the number of children and youths identified as homeless in each State be posted annually on the SEA's website. (Section 722(f)(1)(A)). The homeless student data should be the latest verified and certified statewide homeless student enrollment total. In addition, the SEA must post an annually updated list of the local liaisons on its website. (Section 722(f)(1)(A)). The Department recommends that each SEA have a McKinney-Vento website where this information, together with the homeless student count, can be easily located and ensure that the updated local liaison list and homeless student enrollment total be published before the next school year begins.

#### **E-7. What Federal performance reporting requirements must State Coordinators meet?**

The McKinney-Vento Act gives the Department the authority to collect from States, at such times as the Department may reasonably require, information necessary to assess the educational needs of homeless children and youths. All LEAs and SEAs must provide data as requested by the Secretary or required in the McKinney-Vento Act and other Federal laws, such as the ESEA. (Sections 722(f)(3), 724(h)(1)(D)). Any data submitted to the Department should meet standards of quality, validity, completeness, and reliability set by the Department. This data should also be used by LEAs and SEAs to identify areas for improvement related to identifying and educating homeless children and youths.

Local liaisons, State Coordinators, ED*Facts* coordinators, Consolidated State Performance Report (CSPR) coordinators,<sup>19</sup> and data stewards should coordinate training and technical assistance efforts to ensure that school, LEA, and SEA personnel are aware of requirements and standards for data reporting. To ensure that data submitted to the SEAs, and subsequently to the Department, is accurate and timely, ED*Facts* coordinators, CSPR coordinators, and data stewards within the LEAs and SEAs should provide local liaisons and State Coordinators with access to program data, allow them to verify data accuracy, and notify them prior to submitting original files or corrections to the SEA or Education Data Exchange Network (EDEN) Submission System.

#### **E-8. What are the State Coordinator's responsibilities regarding the coordination of services?**

Under Section 722(f)(4), State Coordinators must coordinate activities and collaborate with:

- **Educators**, including teachers, special education personnel, administrators, and child development and preschool program personnel;
- **Providers of social services** to homeless children and youths and their families, including public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, runaway and homeless youth centers, and providers of services and programs under the Runaway and Homeless Youth Act (RHYA) (Public Law 110-378);

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<sup>19</sup> Information about these data reporting processes can be found at <http://www2.ed.gov/about/inits/ed/edfacts/index.html> and <http://www2.ed.gov/admins/lead/account/consolidated/index.html>.



- **Providers of emergency, transitional, and permanent housing** to homeless children and youths, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youths;
- **Local liaisons**; and
- **Community organizations and groups** representing homeless children and youths and their families.
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State Coordinators must also coordinate services with State and local housing agencies responsible for developing comprehensive affordable housing strategies under Section 105 of the Cranston/Gonzalez National Affordable Housing Act (Public Law 101-625) to minimize educational disruption for children and youths who become homeless. (Section 722(g)(5)(B)). Additionally, State Coordinators should coordinate housing, health, and other services with the regional representatives of the [United States Interagency Council on Homelessness](#).<sup>20</sup>

Coordinators should also coordinate and consult with State and local policymakers to ensure that legislation and policies do not create barriers for the education of homeless children and youths, which may in some cases fall under their ongoing obligation to review and revise such barriers. For example, status offense laws or ordinances that criminalize homelessness can make it more difficult for homeless families and youths to get to school ready to learn. Likewise, a lack of affordable housing within a community may make it difficult for families to obtain permanent housing and escape the cycle of homelessness.

### **E-9. What are the monitoring requirements for State Coordinators?**

State Coordinators must conduct monitoring of LEAs, in coordination with local liaisons, to ensure that all LEAs are complying with the requirements of the McKinney-Vento Act. (Section 722(f)(5)). SEAs have a range of options for monitoring, including conducting data and document reviews and interviews remotely, having other staff conduct consolidated program monitoring, and hiring contractors to do the monitoring. The monitoring process should include a formal letter of notification; protocols for interviews, observations, and document review, as applicable; a written report of whether requirements were met or corrective actions are required; and a process for resolving corrective actions.

#### **Tips for Ensuring that State Coordinators and Local Liaisons Have Sufficient Capacity and Knowledge**

The McKinney-Vento Act highlights the need for SEAs and LEAs to provide adequate training to State Coordinators and local liaisons and to ensure that State Coordinators and liaisons have sufficient capacity to carry out their duties. Although some States and LEAs serve a comparatively small number of homeless students, many State Coordinators and local liaisons have a significant number of other responsibilities as well.

Regardless of their varying responsibilities, there are common monitoring and reporting requirements, as well as background information, that State Coordinators and local liaisons should be knowledgeable of to be effective in their duties. To confirm what these are, when an SEA

<sup>20</sup> More information on the United States Interagency Council on Homelessness can be found at <https://www.usich.gov/>.

appoints a new State Coordinator, he or she should contact the National Center for Homeless Education (NCHE) to receive Federal updates, information about training opportunities, and McKinney-Vento program communications. NCHE also operates a listserv for local liaisons and homeless educators, and offers a variety of professional development through webinars and written products.

For background knowledge, State Coordinators and local liaisons should understand the challenges faced by impoverished and homeless children, youths, and families, including unaccompanied youths and preschool aged children, as well as the rights and services provided to homeless children and youths through the McKinney-Vento Act and other Federal and State laws and programs. They should also be familiar with the full SEA and LEA context in which the law will be implemented, including the budgeting system, State student data collection system, and State-specific or local policies pertaining to homeless children and youths.

In addition, local liaisons and State Coordinators should be familiar with community and local public agency resources for homeless children and youths. SEAs and LEAs should allocate sufficient time for State Coordinators and local liaisons to do their jobs effectively and should support them in fulfilling their duties as outlined in the law and in making timely decisions. SEA and LEA administrators should review the legal requirements for the position, data indicating the prevalence and needs of homeless children and youths in the State or school district (including efforts that may be necessary to improve the identification of such children and youths), and past technical assistance provided to the LEAs in order to determine how much time the McKinney-Vento program requires to be managed well at the State and LEA levels. Consideration should be given to the number of LEAs in the State or schools and students in the district; the number of identified homeless students in the State or district as a percentage of students living in poverty; the number of LEAs identifying zero homeless students; and any recent Department and State monitoring findings. For the State Coordinator, time allocation should also allow for conducting the subgrant process and LEA monitoring. For local liaisons, administrators may wish to discuss the time allocation with former local liaisons in the LEA, liaisons from other LEAs, or the State Coordinator to determine what is realistic and is being prioritized in a given year, for example, new data collections or monitoring visits.

### **III. Local Activities**

#### **F. Local Liaisons**

##### **F-1. What are the responsibilities of the local liaison for homeless children and youths?**

The local liaison serves as one of the primary contacts between homeless families and school staff, district personnel, shelter workers, and other service providers. Every LEA, whether or not it receives a McKinney-Vento subgrant, is required to designate a local liaison. (Section 722(g)(1)(J)(ii)). The liaison coordinates services to ensure that homeless children and youths enroll in school and have the opportunity to succeed academically.

Local liaisons must ensure that:

- Homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;

- Homeless children and youths are enrolled in, and have full and equal opportunity to succeed in, the school or schools of the LEA;
- Homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs), early intervention services under Part C of the IDEA, and other preschool programs administered by the LEA;
- Homeless families and homeless children and youths receive referrals to health, dental, mental health, and substance abuse services, housing services, and other appropriate services;
- Parents or guardians of homeless children and youths are informed of educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- Public notice of the educational rights of homeless students is disseminated in locations frequented by parents and guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians and unaccompanied youths;
- Enrollment disputes are mediated in accordance with the requirements of the McKinney-Vento Act;
- Parents and guardians and unaccompanied youths are fully informed of all transportation services, including transportation to and from the school of origin and are assisted in accessing transportation services;
- School personnel receive professional development and other support; and
- Unaccompanied youths are enrolled in school, have opportunities to meet the same challenging State academic standards as the State establishes for other children and youths, are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (HEA) (20 U.S.C. 1087vv), and their right to receive verification of this status from the local liaison.

(Section 722(g)(6)(A)).

**F-2. In providing special services to homeless children and youths, how does a school or district avoid stigmatizing those children and youths?**

As previously stated, a district or school may not segregate homeless children and youths from the mainstream school environment. (Sections 721(3), 722(e)(3)). Homeless children and youths are entitled to receive all of the services that are provided to their non-homeless counterparts and in the same setting as their non-homeless peers. (Sections 721(1), 721(4)).

In some circumstances, however, it may be appropriate to provide additional services to homeless children and youths in a separate setting. In doing so, a district should be careful not to stigmatize these students. If a district does implement a supplemental program exclusively for homeless children, such as a shelter-based evening tutoring program, it should not be called, for example, “the homeless tutoring program” or the “shelter tutoring program.” Instead, the district should use an alternative name such as “Discovery Club” or “Homework Club” to avoid stigmatization. This practice also helps the LEA comply with privacy requirements regarding a student’s homeless status. In addition, using terms such as “families in transition” and holding conversations about students’ status as homeless in areas that offer privacy can further protect students’ privacy.

### **F-3. What are an LEA’s responsibilities regarding comparable services?**

An LEA must provide services to each homeless child and youth that are comparable to services offered to other students in the LEA. (Section 722(g)(4)). These services include public preschool programs and other educational programs or services for which a homeless student meets the eligibility criteria, such as programs for children with disabilities, programs for English learners, programs in career and technical education, programs for gifted and talented students, before-and after-school programs, school nutrition programs, and transportation. (Section 722(g)(4)). For guidance on the provision of comparable services for homeless children and youths under Title I, Part A of the ESEA, please see question M-5.

### **F-4. What are some steps that LEAs can take to ensure all homeless students are identified?**

LEAs should include the identification of homeless students and their unique educational needs in any district needs assessment and school improvement plans that define a school’s targeted work to raise achievement for all students.

The following activities, strategies, and tools can help ensure that all students experiencing homelessness are identified:

- ***Housing Questionnaire.*** Using a housing questionnaire to gather information about students registering in the district. Universal implementation of the questionnaire can prevent stigmatization of students and reduce defensiveness in adult caregivers by preventing students and families from feeling singled out;
- ***Referral Forms.*** Ensuring that referral forms used to identify and support homeless students are readily available, simple, and easy to use;
- ***Local Liaison Contact Information.*** Including the local liaison’s contact information on LEA websites to facilitate referrals;
- ***Language Access.*** Providing materials for students and parents in a language easily understood by families and students. If students or their families are unable to read, additional support should be provided to explain student rights;
- ***Ongoing Outreach and Training for School Staff.*** Providing professional development and training for school staff, including teachers, paraprofessionals and school support staff, at least once annually that focuses on the definition of homelessness, signs of homelessness, the impact of homelessness on students, and the steps that should be taken once a potentially homeless student is identified, including how to connect the student with appropriate housing and service providers;
- ***Interagency Collaboration.*** Developing interagency partnerships. Some Federal programs are also required to identify and serve homeless children and youths who meet the eligibility criteria for those programs and to coordinate with LEAs. These programs include Head Start; the IDEA, which includes child find requirements for children with disabilities from birth through 21 (Part B) and child find requirements for infants and toddlers with disabilities from birth through age two (Part C); and housing programs funded by the U.S. Department of Housing and Urban Development (HUD); and programs and services funded under the Runaway and Homeless Youth Act. Local liaisons should contact the agencies responsible for administering these programs and discuss ways to coordinate referrals for homeless

families with children and for unaccompanied homeless youths. A coordinated approach to serving homeless families and youths, potentially including a memorandum of agreement, will improve the identification of homeless students and help these agencies meet their Federal requirements.

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**F-5. How should local liaisons conduct outreach and identification following natural disasters and other catastrophic events?**

When children and their families are displaced from their housing as a result of a natural disaster, there is often a period of instability in which various private organizations and local, State, and Federal agencies provide assistance. SEAs and LEAs should determine such children's eligibility for McKinney-Vento services on a case-by-case basis. In making this determination, they should take into consideration the services that are available through these other sources. It will be critical for local liaisons to work with State Coordinators to facilitate services to families and youths made homeless by natural disaster or other catastrophic event.

A natural or man-made disaster can instantly result in many families losing their homes. In such circumstances, the Department would provide technical assistance and other assistance, as available, to help the SEA or LEA. When a disaster occurs, local liaisons should be proactive by preparing schools to enroll large numbers of displaced students and arranging for additional staff to assist with the identification and enrollment process as needed. Additionally, local liaisons should notify agencies working with the families of how schools will enroll and serve eligible students. Local liaisons should publicize the rights and services of homeless students directly to the impacted families and those who are assisting the families. Local liaisons can display posters or distribute brochures on McKinney-Vento rights in places where people who are displaced assemble. Examples of promising practices by State Coordinators and local liaisons for disaster preparation and response have been incorporated into several technical assistance [products](#) issued by NCHE.<sup>21</sup>

**G. Subgrants to LEAs**

**G-1. What information must an LEA include in its application for McKinney-Vento funds?**

An LEA that seeks a McKinney-Vento award must submit to its SEA an application that contains the following information:

- An assessment of the educational and related needs of homeless children and youths in the area served by the LEA;
- A description of the services and programs that the LEA will provide to address these needs;
- An assurance that the LEA meets the fiscal effort requirement;
- An assurance that the LEA will use subgrant funds in compliance with section 722(g)(3) through (7) of the McKinney-Vento Act;
- A description of policies and procedures that the LEA will implement to ensure that its activities would not isolate or stigmatize homeless children and youths;
- An assurance that the LEA will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f); and

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<sup>21</sup> These technical assistance products are available at [http://center.serve.org/nche/ibt/dis\\_prep.php](http://center.serve.org/nche/ibt/dis_prep.php).

- An assurance that the LEA will meet the requirements of section 722(g)(3) regarding LEA requirements.

(Section 723(b)).

### **G-2. On what basis does an SEA award McKinney-Vento subgrants to LEAs?**

An SEA awards McKinney-Vento subgrants to LEAs competitively on the basis of the need of the LEAs requesting assistance and the quality of their applications. (Section 723(c)(1)).

In determining need, the SEA must consider the needs of homeless children and youths and the ability of the LEA to meet such needs. (Section 723(c)(2)). The SEA *may* also consider: the number of homeless children and youths enrolled in early childhood education and other preschool programs, elementary schools, and secondary schools, within the area served by the LEA; the extent to which the proposed use of funds will facilitate the identification, enrollment, retention, and educational success of homeless children and youths; the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youths; the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youths; and such other criteria as the SEA deems appropriate. (Section 723(c)(2)(A)-(D)).

In determining quality, the SEA must consider:

- The applicant's needs assessment and the likelihood that the program presented in the application will meet such needs;
- The types, intensity, and coordination of the services to be provided under the program;
- The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or youths in the education of their children;
- The extent to which homeless children and youths will be integrated into the regular education program;
- The quality of the applicant's evaluation plan for the program;
- The extent to which services provided will be coordinated with other services available to homeless children and youths and their families;
- The extent to which the LEA will use the subgrant to leverage other resources;
- How the LEA will use funds to serve homeless children and youths under section 1113(c)(3) of the ESEA; and
- The extent to which the LEA's program meets such other measures as the SEA considers indicative of a high-quality program, such as the extent to which the LEA will provide case management or related services to unaccompanied youths.

(Section 723(c)(3)).

### **G-3. What are the requirements regarding LEA fiscal effort?**

Section 723(b)(3) requires that LEAs seeking a subgrant for funds under the program provide an assurance that the LEA maintain its expenditures for public education from State and local funds from one year to the next. Thus, an LEA cannot reduce its own spending for public education and replace those funds with Federal funds. Specifically, an LEA's combined fiscal effort per student or

the aggregate expenditures of the LEA and the State with respect to the provision of free public education by the LEA for the preceding fiscal year must be no less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year. (Section 723(b)(3)). Unlike programs authorized by the ESEA, the McKinney-Vento Act does not include provisions allowing an SEA to reduce the amount of a subgrant in the event an LEA fails to meet fiscal effort requirements. Thus, if an LEA fails to meet this requirement, the LEA cannot receive its subgrant funds during the grant period of availability until the next funding period for which it demonstrates maintenance of fiscal effort, according to SEA procedures.

## **H. Local Uses of Funds**

### **H-1. For what activities may an LEA use McKinney-Vento subgrant funds?**

LEAs must use McKinney-Vento funds to assist homeless children and youths in enrolling, attending, and succeeding in school. (*See, e.g.*, sections 722(g)(6), 723(d)). In particular, the funds may support the following activities:

1. Tutoring, supplemental instruction, and other educational services that help homeless children and youths reach the same challenging State academic standards the State establishes for other children and youths. (Section 723(d)(1)). As clearly specified in the ESEA, all academic enrichment programs for disadvantaged students, including programs for homeless students, must be aligned with State standards and curricula. Additionally, when offering supplemental instruction, LEAs should focus on providing services for children and youths that reflect scientifically based research as the foundation for programs and strategies to ensure academic success.
2. Expedited evaluations of eligible students to measure their strengths and needs. (Section 723(d)(2)). These evaluations should be done promptly in order to avoid a gap in the provision of necessary services to those children and youths. Evaluations may also determine a homeless child or youth's possible need or eligibility for other programs and services, including educational programs for gifted and talented students; special education and related services for children with disabilities under Part B of the IDEA; special education or related aids and services for qualified students with disabilities under Section 504; early intervention services for eligible infants and toddlers with disabilities under Part C of the IDEA; programs for English learners; career and technical education; meals through the National School Lunch Program and School Breakfast Program<sup>22</sup>; and other appropriate programs or services under the ESEA. (Section 723(d)(2)).
3. Professional development and other activities for educators and specialized instructional support personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youths, the rights of such children and youths under the McKinney-Vento Act, and the specific educational needs of runaway and homeless youths. (Section 723(d)(3)).
4. Referrals of eligible students to medical, dental, mental, and other health services. (Section 723(d)(4)).

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<sup>22</sup> For more information on ensuring access to free or reduced-price school meals, please see the NCHE TA product "Access to Food for Homeless and Highly Mobile Students" available at <http://center.serve.org/nche/downloads/briefs/nutrition.pdf/>.

5. Assistance to defray the excess cost of transportation not otherwise provided through Federal, State, or local funds, to enable students to remain in their schools of origin. (Section 723(d)(5)).
6. Developmentally appropriate early childhood education programs for preschool-aged homeless children that are not provided through other Federal, State, or local funds. (Section 723(d)(6)).
7. Services and assistance to attract, engage, and retain homeless children and youths, particularly homeless children and youths who are not enrolled in school, in public school programs and services provided to non-homeless children and youths. (Section 723(d)(7)).
8. Before- and after-school, mentoring, and summer programs for homeless children and youths in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities. (Section 723(d)(8)).
9. Payment of fees and costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youths in school. The records may include birth certificates, immunization or other required health records, academic records, guardianship records, and evaluations for special programs and services. (Section 723(d)(9)).
10. Education and training for parents and guardians of homeless children and youths about the rights of, and resources available to, such children and youths, and other activities designed to increase the meaningful involvement of parents and guardians of homeless children or youths in the education of such children or youths.
11. Coordination between schools and agencies providing services to homeless children and youths in order to expand and enhance such services. Coordination with programs funded under the Runaway and Homeless Youth Act must be included in this effort. (Section 722(g)(5)(A)(i)).
12. Specialized instructional support services, including violence prevention counseling, and referrals for such services. (Section 723(d)(12)).
13. Programs addressing the particular needs of homeless children and youths that may arise from domestic violence and parental mental health or substance abuse problems. (Section 723(d)(13)).
14. Providing supplies to non-school facilities serving eligible students and adapting these facilities to enable them to provide services. (Section 723(d)(14)).
15. Providing school supplies, including those to be distributed at shelters or temporary housing facilities, or other appropriate locations. (Section 723(d)(15)).
16. Providing extraordinary or emergency services needed to enable homeless children and youths to attend school and participate fully in school activities. (Section 723(d)(16)).

## **H-2. Where may an LEA provide services for homeless children and youths**

To the maximum extent practicable, an LEA must provide McKinney-Vento services through existing programs and mechanisms that integrate homeless and non-homeless children and youths. (Section 723(a)(2)(A)(ii)). LEAs may provide subgrant services through programs on school grounds or at other facilities. (Section 723(a)(2)(A)(i)). If services are provided on school grounds, the schools may use McKinney-Vento funds to provide the same services to other children and youths who are determined by the LEA to be at risk of failing in, or dropping out of, school. (Section 723(a)(2)(B)(i)).

As discussed in Part B of this guidance, LEAs and schools may not provide services in settings within a school that segregate homeless children and youths from other children and youths, except



as necessary for short periods of time for health and safety emergencies, or to provide temporary, special, and additional services to meet the unique needs of homeless children and youths. (Sections 721(3), 722(e)(3), 723(a)(2)(B)(ii)).

### **H-3. May a district or school provide an after-school program that exclusively serves homeless children and youths with McKinney-Vento funds?**

Homeless children and youths are entitled to participate in the regular after-school program provided by the school, and schools must address all barriers to their full participation in these programs. (See section 722(g)(1)(F)(iii)). If no after-school programs are provided by the school, or the programs provided do not meet the needs of homeless children and youths, McKinney-Vento funds may be used for after-school services for homeless children and youths and for non-homeless children and youths who are at risk of failing in, or dropping out of, school. (Sections 723(d)(8), 723(a)(2)(B)(i)).

### **H-4. May subgrant funds be used to improve the identification of homeless students?**

Yes, subgrant funds may be used to improve the identification of homeless students. In addition to data that must be collected as a result of the McKinney-Vento Act, other data sources that may be used to identify homeless students might include:

- Needs assessments conducted as a part of school improvement plans or other State and Federal education requirements;
- Community assessments that indicate levels of poverty among families, student mobility, trends in foreclosures, evictions, and the availability of affordable housing, or data on homelessness within the community.

## **IV. School Stability**

### **School of Origin, Best Interest, and Immediate Enrollment**

#### **I-1. What is the school of origin?**

The school of origin is 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. (Section 722(g)(3)(I)(i)). (See question N-4 for more information on what types of preschools may be considered schools of origin.) When a child or youth completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools (such as when an elementary school feeds into a middle school). (Section 722(g)(3)(I)(ii)). For example, a student was last enrolled in School A in grade 5, which is the final grade level served by School A. Students at School A are designated to attend School B beginning in the next grade level, grade 6. The school of origin for this student would therefore include School A and the designated receiving school at the next grade level, School B.

#### **I-2. On what basis does an LEA make school placement determinations for homeless children and youths?**

Homeless children and youths frequently move, and maintaining a stable school environment is critical to their success in school. To ensure this stability, LEAs must make school placement

determinations on the basis of the “best interest” of the homeless child or youth based on student-centered factors. (Section 722(g)(3)(B)). Using this standard, an LEA must –

- (a) Continue the child’s or youth’s education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or
- (b) Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

(Section 722(g)(3)(A)).

### **I-3. How does an LEA determine the child’s or youth’s “best interest”?**

In determining a child’s or youth’s best interest, an LEA must presume that keeping the homeless 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 child’s or youth’s parent or guardian, or in the case of an unaccompanied youth, the youth. (Section 722(g)(3)(B)(i)). When determining a child’s or youth’s best interest, an LEA must consider student-centered factors, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youths, giving priority to the request of the child’s or youth’s parent or guardian or (in the case of an unaccompanied youth) the youth. (Section 722(g)(3)(B)(ii)). We encourage an LEA to also consider the school placement of siblings when making this determination.

### **I-4. What if the LEA determines that it is not in the child’s or youth’s best interest to attend the school of origin or school requested by the parent, guardian, or unaccompanied youth?**

If, after conducting the best interest determination and considering student-centered factors, the LEA determines that it is not in the child’s or youth’s best interest to attend the school of origin or school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, the LEA must provide the child’s or youth’s parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth. (Section 722(g)(3)(B)(iii)). This written explanation must also include information regarding the right to appeal (Section 722(g)(3)(B)(iii); *see also* 722(g)(3)(E)(ii)) and should be provided in a timely manner.

### **I-5. What are an LEA’s responsibilities for enrolling homeless children and youths?**

The LEA has an ongoing obligation to remove barriers to the enrollment and retention of homeless children and youths. (*See* sections 721(2), 722(g)(1)(I)). A school selected on the basis of a best interest determination (*see* I-2 and I-3) must immediately enroll the homeless child or youth, even if the child or youth is unable to produce the records normally required for enrollment (such as previous academic records, records of immunization and other required health records, proof of residency, proof of guardianship, birth certificates, or other documentation), has missed application or enrollment deadlines during a period of homelessness, or has outstanding fees. (Section 722(g)(3)(C)(i); *see also* 722(g)(1)(H)). The enrolling school must also immediately contact the school last attended by the child or youth to obtain relevant academic or other records. (Section 722(g)(3)(C)(ii)). In addition, an LEA should ensure that homeless students are attending classes and

participating fully in school activities immediately upon the student being identified as eligible for McKinney-Vento rights and services.

If a child or youth needs to obtain immunizations or other required health records, the enrolling school must immediately refer the parent, guardian, or unaccompanied youth to the local liaison, who must assist in obtaining the immunizations, screenings, or immunization or other required health records. (Section 722(g)(3)(C)(iii)). Any records ordinarily kept by the school—including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs—must be maintained so that they are available in a timely fashion when the child enters a new school or school district. (Section 722(g)(3)(D)(i)). To facilitate immediate enrollment, timely transfer of records from school to school should also take into account procedures for inter-State record transfers.

**I-6. What are an LEA’s responsibilities to ensure that homeless children and youths have access to special programs and other activities?**

LEAs must have procedures to ensure that homeless children and youths who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State or local levels. (Section 722(g)(1)(F)(iii)). Additionally, outstanding fines or fees or absences must not present barriers to enrollment for homeless students. (*See* section 722(g)(1)(I)). LEAs should anticipate and accommodate the needs of McKinney-Vento-eligible students to enter charter schools, magnet schools, and other schools, programs, and activities despite missing application and enrollment deadlines due to a period of homelessness. In addition, LEAs should consider giving homeless children and youths priority if there is a waitlist for these schools, programs, and activities. Local liaisons must assist homeless children and youths with activities such as enrolling in school and accessing school services, including free meals through the U.S. Department of Agriculture’s (USDA’s) National School Lunch Program and School Breakfast Program.

**Tips on Ensuring Access to Extracurricular Activities**

Homelessness can create barriers to participation in extracurricular activities. Homeless students who change schools during the school year may not meet residency requirements related to sports or may enter school in the middle of the season. He or she may lack a birth certificate, proof of physical examinations, or other documents normally required prior to participation and may not be able to pay for equipment or fees. The McKinney-Vento Act provides legal rights and support to help ensure that students experiencing homelessness can participate fully in extracurricular school activities.

To assist, SEAs and LEAs should:

- Build awareness about homelessness across districts. Local liaisons can talk to coaches, faculty advisors, and teachers about homelessness, the educational and other barriers homeless students face, and the importance of ensuring full school participation for students experiencing homelessness.
- Develop State or local policies that expedite full participation in extracurricular activities for homeless students.

- Form cooperative relationships with athletic associations to identify ways they can adjust policies to facilitate participation of homeless students in sports.
- Ensure that costs do not prevent students from participating in activities by waiving fees; using funds and strategies for homeless students comparable to those used to allow other low-income students to participate; paying for equipment and fees with school district funds or appropriate Federal funds, such as McKinney-Vento grant funds; seeking sponsorships from parent groups, civic organizations, and local businesses; using donations; or holding fundraisers.
- Employ strategies to obtain documents such as birth certificates. Since the McKinney-Vento Act mandates immediate enrollment, students must be allowed to participate fully in school activities while necessary documents are gathered. (*See* section 722(g)(3)(C)).
- Build relationships with local health care providers to help youths obtain required health insurance and examinations. School nurses may be able to assist with administering physical examinations and coordinating necessary health services.
- Contact colleagues and national partners in homeless education for help. Many local homeless education liaisons and State Coordinators for homeless education have worked successfully to ensure that students experiencing homelessness can participate fully in extracurricular activities. They can provide strategies, creative thinking, sample forms, and other supports to their colleagues.

**I-7. Are “transitional classrooms” in shelters, where homeless children and youths receive educational services while they are being assessed or while they wait for school records, permissible under McKinney-Vento?**

No. Schools must immediately enroll homeless children and youths, even if a child or youth is unable to produce the records normally required for enrollment, including previous academic records (see I-5). (Section 722(g)(3)(C)(i)). Moreover, LEAs are required to adopt policies that will eliminate barriers to school enrollment, such as barriers that may be caused by tracking, obtaining, and transferring records. (*See* sections 721(2), 722(g)(1)(I)).

**Tips on Facilitating Immediate Enrollment**

To facilitate immediate enrollment, LEAs should consider the following practices:

- Train all school enrollment and administrative staff, counselors, school social workers, and school leaders on the legal requirements regarding immediate enrollment;
- Develop affidavits of residence or other forms to replace typical proof of residency. Such forms should be carefully crafted so that they do not create further barriers or delay enrollment;
- Develop caregiver affidavits, enrollment forms for unaccompanied youths, and other forms to replace typical proof of guardianship. Again, such forms should be carefully crafted so they do not create further barriers or delay enrollment;
- Establish school-based immunization clinics or other opportunities for on-site immunizations;
- Accept school records directly from families and youths;
- Develop short diagnostic assessments to place students immediately while awaiting complete academic records;

- Inform families and youths in a language they can understand or in an accessible format for individuals with disabilities, as appropriate, of their right to attend either their school of origin or local school;
- Develop clear, understandable, and accessible forms for written explanations of decisions and the right to appeal;
- Expeditiously follow up on any special education and language assistance referrals or services;
- Utilize online services such as vital records office websites that provide birth certificates and State health records databases for proof of immunization (this is preferred to re-immunizing students who do not have records readily available);
- While waiting on official school records, have informational conversations with parents and youths, as well as teachers and staff at the student's previous school to find out a little about the student so that academic services can be put in place immediately;
- When a student disenrolls, assemble a portfolio of information and samples of schoolwork in a folder that the parent or student can show upon enrollment in the new school; and
- Collaborate with community-based and public agencies to provide homeless students with school uniforms to ensure that an inability to purchase a school uniform does not create an enrollment barrier.

## **J. Transportation**

### **J-1. What responsibilities do SEAs and LEAs have regarding providing transportation services to homeless children and youths?**

- (1) SEAs and LEAs are responsible for reviewing and revising policies, including transportation policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youths in the State. (*See* sections 721(2), 722(g)(1)(I)). Under the McKinney-Vento Act, homeless children and youths are entitled to receive transportation that is comparable to what is available to non-homeless students. (Section 722(g)(4)(A)).
- (2) In addition, SEAs and LEAs must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or, in the case of an unaccompanied youth, the liaison), to or from the school of origin in accordance with the following requirements:
  - If the child or youth continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange for the child's or youth's transportation to or from the school of origin. (Section 722(g)(1)(J)(iii)(I)).
  - If the child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally. (Section 722(g)(1)(J)(iii)(II)).

Transportation must be arranged promptly to ensure immediate enrollment and so as not to create barriers to homeless students' attendance, retention, and success. (*See* sections 721(2), 722(g)(1)(I)).

**J-2. How can LEAs ensure that the education of homeless students is not disrupted during inter-district moves?**

LEAs should have in place inter-district (and inter-State, where appropriate) agreements—including agreements between charter school LEAs and the geographic LEAs within which the charter school is located—that address potential transportation issues that may arise as homeless students transfer from one district to another.

**J-3. Who should be involved in developing and implementing transportation policies for homeless students?**

LEAs can best address the transportation needs of homeless students through a team approach. However, based on the best interest of the student and in consultation with the parent, the LEA ultimately determines the mode of transportation. The LEA's transportation director is a key figure in the process and should work with district leadership, the local liaison for homeless students, neighboring districts, and homeless service providers to develop effective transportation policies and procedures.

**J-4. Is an LEA required to transport homeless students to and from the school of origin while enrollment disputes are being resolved?**

Yes. The McKinney-Vento Act's transportation requirements apply while disputes are being resolved. (Section 722(g)(3)(E)(i)). Therefore, at the request of the parent, guardian, or unaccompanied youth, the LEA must provide or arrange for adequate and appropriate transportation to and from the school selected by the parent, guardian, or unaccompanied youth. (Section 722(g)(3)(E)(i)). Inter-district transportation disputes should be resolved at the SEA level. (*See* section 722(g)(1)(C)).

**J-5. 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. (Section 722(g)(3)(A)(II)).

**J-6. If an LEA does not provide transportation to non-homeless students, is it required to transport homeless students?**

Yes. As discussed above, the McKinney-Vento Act not only requires an LEA to provide comparable services, including transportation services, to homeless students (Section 722(g)(4)(A)), but it also requires an LEA, at the request of a parent or guardian, to provide or arrange for transportation to and from the school of origin (Section 722(g)(1)(J)(iii)).

**J-7. What Federal funds may an LEA use to defray the excess cost of school of origin transportation?**

An LEA receiving McKinney-Vento subgrant funds may use these funds to defray the excess cost of school of origin transportation as outlined in the response to H-1 (No. 5). An LEA may also use Title I, Part A funds reserved to defray the excess costs of transporting homeless students to and from their school of origin. (ESEA section 1113(c)(3)(C)(ii)(II)).

**J-8. How should an LEA calculate the excess cost of transportation for a homeless child or youth to the school of origin?**

The excess cost is the difference between what an LEA normally spends to transport a student to school and the cost of transporting a homeless student to school. If the LEA provides transportation through a regular bus route, there is no excess cost. If the LEA provides special transportation only for the homeless student (e.g., through a private vehicle or transportation company), the entire cost can be considered excess. If the LEA must re-route busses to transport a homeless student enrolled in one of its schools, the additional cost of this rerouting can be considered excess cost.

**J-9. What happens if the LEA of residence and the LEA in which the school of origin is located do not agree on how to share the cost and responsibility of providing transportation for a homeless child or youth?**

In an inter-district situation, if both LEAs are unable to agree upon a method for sharing the cost and responsibility for providing transportation, the LEAs must share the responsibility and costs equally. This holds true even if the two LEAs are located in different States. The SEA should try to help the two LEAs come to an agreement; if the LEAs are in different States, both SEAs should try to arrange an agreement.

**Addendum to the Non-Regulatory Guidance for the Education for Homeless Children and Youths Program, Section J, Transportation, issued March 2017**

**J-10. Is a student who is awaiting foster care placement and then placed directly into permanent housing before December 10, 2016, entitled to remain in and be transported to his or her school of origin until the end of the school year?**

Yes. A student who is awaiting foster care placement and becomes permanently housed before December 10, 2016 (e.g., exiting foster care through adoption, legal guardianship with relatives, or reunification with birth parents) without being placed in foster care, has the right to remain in and be transported to his or her school of origin for the remainder of the academic year.

Until December 10, 2016, the McKinney-Vento Act's definition of "homeless children and youths" includes children and youths who are awaiting foster care placement. (Section 725(2)(B)(i)). If a homeless student becomes permanently housed without being placed in foster care, the LEA must continue the child or youth's education in the school of origin "for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year." (Section 722(g)(3)(A)). Therefore, a student who is awaiting foster care placement and becomes permanently

housed before December 10, 2016, would be entitled to remain in his or her school of origin and receive transportation from the LEA, if needed, for the remainder of the academic year.

Please note that this only applies to those students who are awaiting foster care placement and enter into permanent housing outside of foster care before December 10, 2016, and not to students who remain in the foster care system on or after December 10, 2016. Beginning on December 10, 2016, those students who are awaiting foster care placement under the McKinney-Vento Act and have been placed in foster care, will be covered under the foster care provisions in Title I of the ESEA. SEAs and LEAs should ensure that there is no gap in services during this transition.

**J-11. Must LEAs provide transportation to and from extracurricular activities for homeless students?**

SEAs and LEAs have a broad, ongoing requirement to review policies or practices that may act as barriers to, among other things, the enrollment of homeless children and youths. (*See, e.g.*, sections 721, 722(g)(1)(I)). Enrollment includes attending classes and “participating fully in school activities.” (Section 725(1)). The McKinney-Vento Act further emphasizes that homeless students must not face barriers to accessing extracurricular activities. (*See* section 722(g)(1)(F)(iii)).

Therefore, to the extent that lack of access to transportation is a barrier to extracurricular activities for a particular student, an LEA would be required to provide this student with transportation to or from extracurricular activities.

**J-12. How should SEAs guide LEAs in meeting the requirement to provide transportation to and from the school of origin when a homeless student with a disability, whose IEP requires transportation as a related service, moves from an LEA in one State to an LEA in another State?**

All of the requirements under the McKinney-Vento Act, including the best interest determination and immediate enrollment, apply to homeless students with disabilities as well as homeless students without disabilities. For homeless students with disabilities, however, in making the best interest determination under section 722(g)(3)(B)), LEAs should include consideration of all related aids and services within the existing IEP--including transportation or any other related services included in the IEP--as well as any special education, and supplementary aids and services that the student may be receiving at the school of origin. For both homeless students with and without disabilities, the LEA must presume that keeping the child or youth in the school of origin is in the student’s best interest and consider student-centered factors when making the best interest determination (Section 722(g)(3)(B)), and the student must receive transportation as needed to and from the school of origin while any disputes over costs are being resolved (Section 722(g)(3)(E)(i)).

When a homeless student moves from the LEA of origin to an area served by a different LEA, whether in the same State or a different State, and that LEA determines that it is in the student’s best interest to remain in the school of origin, the LEA of origin and the LEA in which the student now resides must agree upon a method to apportion the responsibility and costs of providing the student transportation to and from the school of origin. (Section 722(g)(1)(J)(iii)(II)). If the LEAs are unable to agree upon such method, the responsibility and costs for transportation must be shared equally.



(Section 722(g)(1)(J)(iii)(II)). This requirement applies even if the LEA in which the student now resides is in a State different from the LEA of origin.

Some States may have policies that further clarify how LEAs within that State must pay for transportation for homeless students with disabilities whose IEPs include transportation as a related service or require attendance at a particular school. These State policies must be consistent with all Federal laws and regulations. Therefore, such State policies may apply only to situations in which a homeless student moves from one LEA to another within that particular State and not when a student moves from an LEA in one State to an LEA in another State.

As always, we encourage LEAs to explore all possible resources to help determine how to pay for a homeless student's transportation to and from the school of origin. If an LEA is being reimbursed by the SEA out of Federal or State funds for a portion or all of the cost of providing transportation as a related service required by the student's IEP, or there is an EHCY subgrant or Title I, Part A homeless set-aside funding at the LEA level that can defray the excess cost of school of origin transportation, the SEA for an LEA in any of those situations may recommend or offer that this LEA pay more than half of the cost of providing transportation to the school of origin.

### **Tips for Supporting the Transportation of Homeless Children and Youths**

Transportation has been reported as one of the main barriers to the education of homeless children and youths; thus, coordination between State and school district staff is crucial. Below are some tips for effectively implementing this requirement.

- Convene a meeting of local liaisons and transportation directors to establish a plan that may be immediately implemented when transportation is needed for a homeless child or youth. Addressing issues of cost, responsibility, and logistics before the need occurs will prevent delays in a homeless student's school attendance.
- Use technology, such as a transportation database, to make electronic transportation requests, maintain current records of homeless students receiving transportation, and determine what specialized bus routes have been established.
- Develop forms, such as homeless student transportation requests, parent agreements, and inter-district transportation agreements that may be accessed easily at any school or online.
- Explore flexible bus routes that can be implemented easily. Maintain a list of shelters, hotels, motels, campgrounds, and other areas where homeless families may live so that these locations can be included in bus routes on short notice, recognizing that establishing a stop directly in front of these locations can stigmatize students.
- Be aware that students in homeless families and unaccompanied homeless youths move frequently and that transportation plans must be adjusted accordingly. Encourage families and youths to inform the local liaison when they are moving.
- Identify a transportation staff member who will serve as the point person to arrange transportation for homeless students.
- Train bus drivers and dispatchers on the rights and needs of homeless students, as well as on the need for sensitivity and confidentiality.
- Be mindful of State and local policies for pupil transportation safety. The McKinney-Vento Act does not override safety policies.

- If using public transportation, offer support if possible so that parents may accompany young children to and from school.
- Develop a system of providing gas vouchers, cards, or reimbursements to parents or youths who are able and willing to drive to school.
- Explore possibilities for volunteers to provide transportation for homeless students. This option should be considered only if pupil transportation safety policies would allow it and if sufficient driver background checks are conducted.
- Consider economical approaches to providing transportation. Brainstorm cost-saving solutions with LEA and community stakeholders.

## **K. Dispute Resolution Procedures**

### **K-1. Under the McKinney-Vento Act, are States required to have procedures to resolve disputes regarding educational placement of homeless children and youths?**

Yes. Every State must have procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths. (*See* section 722(g)(1)(C)). In addition, some LEAs have their own written dispute resolution policy that describes procedures for resolving disputes at the local level. Because these policies should be consistent with the State dispute resolution policy, a State may wish to provide technical assistance to LEAs in developing a strong local dispute resolution policy or even provide a common local policy that each LEA can adopt. The benefit of a common local dispute policy is to create consistency as homeless students move across school district lines due to their homelessness.

### **K-2. What procedures must an LEA follow if a dispute arises between a school and a parent, guardian, or unaccompanied youth or guardian regarding eligibility, school selection, or enrollment of a homeless child or youth?**

If a dispute arises over eligibility, school selection, or enrollment, the LEA must immediately enroll the homeless student in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals. (Section 722(g)(3)(E)(i)). The dispute resolution policy should also consider that the statutory definition of “enroll” and “enrollment” includes attending classes and participating fully in school activities. (*See* section 725(1)). Therefore, dispute resolution procedures at the LEA and SEA level should address barriers to attending classes and fully participating in school activities. Inter-district enrollment disputes should be resolved at the SEA level (*See* question K-8).

Homeless families and youths may be unaware of their right to challenge placement and enrollment decisions. Therefore, the LEA must provide the parent, guardian, or unaccompanied youth with a written explanation of any decisions related to school selection or enrollment made by the school, the LEA, or the SEA involved, along with a written explanation of the appeal rights. (Section 722(g)(3)(E)(ii)). The LEA must refer the unaccompanied youth, parent, or guardian to the local liaison, who must carry out the dispute resolution process established by the SEA as expeditiously as possible. (Section 722(g)(3)(B)(iii)). The local liaison should assist the child and family in preparing the appeal and should make the resources of the school (e.g., copying, mailing, or obtaining records) available to the parent, guardian, or unaccompanied youth.

### **K-3. What elements should be included in the written explanation of the enrollment decision and the right to appeal this decision?**

If a dispute arises over eligibility, school selection, or enrollment in a school, the parent, guardian, or unaccompanied youth must be provided with a written explanation of any decisions related to eligibility, school selection, or enrollment made by the school, the LEA, or the SEA involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions. (Section 722(g)(3)(E)(ii)). Notice and written explanation from the LEA about the reason for its decision, at a minimum, should include the following:

- An explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, which should include:
  - A description of the action proposed or refused by the school;
  - An explanation of why the action is proposed or refused;
  - A description of any other options the school considered;
  - The reasons why any other options were rejected;
  - A description of any other factors relevant to the school's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources;
  - Appropriate timelines to ensure any relevant deadlines are not missed; and
- Contact information for the local liaison and State Coordinator, and a brief description of their roles.

#### **Tips for Establishing an Effective Dispute Resolution Process**

In establishing a strong effective dispute resolution process, LEAs may also consider including the following items in information distributed to parents, guardians, or unaccompanied youths when informing them of decisions regarding enrollment:

- Notice of the right to file a complaint, raise a compliance issue, or file an appeal;
- A step-by-step description of how to appeal the school's decision that includes a simple form parents, guardians, or unaccompanied youths can complete and submit to the school to initiate the dispute process. Copies should be provided to the parent, guardian, or youth for their records;
- Notice that, if the parent, guardian, or unaccompanied youth are English learners, use a native language other than English, or need additional supports because of a disability, translators, interpreters, or other support services will be made available without charge in the appropriate language;
- Notice of the right to be enrolled immediately in the school in which enrollment is sought pending final resolution of the dispute;
- Notice that immediate enrollment includes receiving adequate and appropriate transportation to and from the school of origin and the ability to fully participate in all school activities;
- List of legal and advocacy service providers in the area that can provide additional assistance during any part of the process;
- Contact information for the local liaison and State Coordinator, with a brief description of their roles; and
- Timelines for resolving district- and State-level appeals.

These processes may include, but are not limited to, any administrative procedures adopted by the LEA for addressing matters such as parent or student complaints, attendance, credit recovery, or grade placement. In some circumstances, additional concerns may be appropriately addressed in an Individualized Education Program (IEP) team meeting or a Section 504 placement team meeting. Other appropriate processes may include investigation of matters related to bullying, sexual harassment, or illegal discrimination.

**K-4. How can an LEA ensure that the written explanation of its decision or determination and the notice to appeal is in a manner and form understandable to a parent, guardian, or unaccompanied youth?**

The LEA should ensure that all decisions and notices are drafted using language and formatting appropriate for low-literacy, limited vision readers, and individuals with disabilities.

For children and youth and/or their parents or guardians who are English learners or whose dominant language is a language other than English, LEAs must provide translation and interpretation services in connection with all stages of the dispute resolution process, consistent with the requirements of the Equal Educational Opportunities Act (20 U.S.C. 1701 et seq.) and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

If the parent, guardian, or unaccompanied youth has access to email, the LEA should provide notices electronically followed by a written notice provided in person or sent by mail.

**K-5. What types of situations fall outside of the parameters of the McKinney-Vento Act dispute resolution process?**

Not all eligibility or enrollment disputes initiated by a parent, guardian, or unaccompanied youth are eligible to go through a dispute resolution process at the LEA or SEA level. For example, when the child or youth is not residing in a homeless situation in the boundaries of an LEA, but the parent, guardian, or unaccompanied homeless youth seeks to initiate an enrollment dispute in that particular LEA. Or, for example, a parent, guardian, or unaccompanied youth may wish to use the dispute resolution process to resolve a disagreement that is unrelated to the McKinney-Vento Act, such as a special education issue. In these cases, the LEA should refer the parent, guardian, or unaccompanied youth to the program or administrator that would more effectively address the complaint.

**K-7. What are effective strategies for LEAs and SEAs to use to resolve enrollment disputes?**

LEAs and SEAs should consider the following strategies for effectively resolving disputes:

- Resolve disputes at the district level rather than the school level;
- Create an option for an informal process as an alternative to formal appeals, which should be in place but must not waive the parent's, guardian's, or unaccompanied youth's access to a more formal process if the informal resolution is not successful;
- Inform parents, guardians, and unaccompanied youths that they can bring a lawyer, a non-lawyer advocate, or any other person to assist them in such a proceeding or appeal;
- Ensure that any written notice is complete, as brief as possible, simply stated, tailored to limited literacy readers, and provided in a language and format the parent, guardian, or unaccompanied youth can understand.

- When inter-district issues arise, ensure representatives from all involved districts and the SEA are present to resolve the dispute;
- A State-level appeal process, involving the State Coordinator, should be available for appeals of district-level decisions and resolution of inter-district disputes;
- Any communication to the State Coordinator should be provided to all parties involved to ensure fairness;
- The dispute resolution process should be as informal and accessible as possible, including not requiring unnecessary notarization or authentication of documents or other materials submitted, not requiring strict legal evidentiary standards, and allowing for impartial and complete review;
  - Parents, guardians, and unaccompanied youths should be able to initiate the dispute resolution process directly at the school they choose, as well as at the district or local liaison’s office;
  - States should establish timelines to resolve disputes at the local and State level. The dispute resolution should be prompt but not sacrifice equitability and fairness;
  - Parents, guardians, and unaccompanied youths should be informed that they can provide written or oral documentation to support their position;
  - Parents, guardians, and unaccompanied youths should be given the opportunity to challenge the school system’s assertions; and

Students must receive all services for which they are eligible until final resolution of all disputes and appeals. (*See* sections 722(g)(3)(E)(i) and (iv)).

### **Tips for Promoting Supportive Discipline and a Positive School Climate for Homeless Students**

Homeless children and youths face many challenges outside of the classroom. It is critical for schools, therefore, to provide safe and supportive climates for homeless students and to employ fair discipline strategies. Removing students from school (e.g., by suspending a student) should be used only as a last resort; this is particularly important due to the high mobility of homeless students and the lack of access to food and other services that out of school suspension or expulsion may cause.<sup>23</sup>

SEAs and LEAs should:

- Create awareness among educators and administrators of the types of behaviors that might be related to a student’s homelessness and provide strategies to assist the students;
- Ensure that, prior to taking disciplinary action, school personnel consider issues related to a student’s homelessness. This may be especially relevant when students accumulate absences and tardies related to a change of caregivers or nighttime residence;
- Review discipline records for individual schools to identify patterns in punishment that could indicate an unfair bias against students experiencing homelessness;
- Consult with school behavior response teams to assign discipline corresponding to the behavior;
- Assign advocates for students and consult them appropriately as decisions are made;
- Determine the key contact—caregiver, student, parent, or guardian—with whom to address truancy and other behavioral issues;

<sup>23</sup> For more information on supportive school discipline, please see <http://www2.ed.gov/policy/gen/guid/school-discipline/fedefforts.html#guidance>.

- Provide information to school personnel regarding how trauma can impact student behavior and how to mitigate the effects of trauma in the school environment by providing trauma-informed support;
- Connect homeless students with mental health services as needed;
- Work with community agencies to provide mentoring or other support;
- Make referrals to parenting classes as needed for pregnant and parenting youths;
- Provide clear and specific expectations of appropriate class and school behavior, positive and consistent classroom management practices, and frequent positive interactions with teachers and staff members;
- Encourage teachers to establish nurturing and culturally responsive classrooms to ensure that all students feel a sense of belonging and value;
- Implement discipline alternatives to suspensions or separating homeless children and youths from their peers; and
- Implement a schoolwide approach to positive and proactive behavioral support systems and behavioral interventions for at-risk students.

## **V. Collaboration and Coordination**

### **L. Coordinated Services**

#### **L-1. What education, homeless assistance, and social services programs should be considered as part of State and LEA coordination duties under the McKinney-Vento Act?**

Many of the Department’s programs use the McKinney-Vento Act definition of “homeless children and youths” and have parallel coordination requirements with the McKinney-Vento program. Of those, the main programs are Title I, Part A of the ESEA, and IDEA Parts B and C for children with disabilities ages three through 21 and birth through two, respectively. In the postsecondary education context, the College Cost Reduction Act amendments to the Higher Education Act (HEA) also authorize local liaisons to verify the unaccompanied homeless youth status for the purpose of applying for independent student status below the age of 24 on the Free Application for Federal Student Aid (FAFSA).

Several Federal programs administered by the U.S. Department of Agriculture (USDA) and the U.S. Department of Health and Human Services (HHS) use the McKinney-Vento Act’s definition of “homeless children and youths” referenced in A-1, so it is important for State Coordinators and local liaisons to coordinate for several reasons: to determine eligibility consistently across agencies serving the same families, children, and youths; to coordinate or expedite referrals for services; and to coordinate services overall for families or youths in order to improve education and other outcomes for homeless children and youths.

While programs administered by other Federal agencies may use different definitions of “homeless,” many of these programs serve at least some of the population eligible for McKinney-Vento services. Coordination is critical to ensure homeless students have access to services, besides education, to address their basic needs, such as housing and health. Therefore, State Coordinators and local liaisons should develop relationships with their agency counterparts in order to create an expedited referral system. These relationships can also be used to help develop a more detailed understanding of the needs of the homeless population and a more effective system for serving homeless youths by

sharing and using data. State Coordinators and local liaisons may work with their agency counterparts to set up interagency agreements for sharing relevant data to use for planning, coordination, and evaluation. Such agreements must be consistent with FERPA, the confidentiality of information provisions in Parts B and C of the IDEA, and other relevant Federal and State laws protecting the privacy of student and family information.

For more information on State and LEA coordination duties, please see questions E-8, F-5, and F-6.

**L-2. What other agency programs have State-level administrator and coordinating councils? How should we coordinate with them?**

Besides Title I, Part A and IDEA, Parts B and C referenced in question L-1, the main programs with State Coordinators and advisory councils are in early childhood education. Data show that a large percentage of homeless children are less than 5 years of age.<sup>24</sup> Thus, coordination with early childhood programs that prioritize homeless children is critical.

Under Part C of the IDEA, at least one member of each State’s Interagency Coordinating Council must be a representative designated by the McKinney-Vento Office of the Coordinator. Similarly, under Part B of the IDEA, each State’s Advisory Panel must include State and local education officials, including officials who carry out activities under the McKinney-Vento Act. To the extent feasible or necessary, this coordination should also happen on the local level when there are many homeless children and youths with disabilities and to ensure regular screening for developmental delays and disabilities.

Another important Federal program focusing on early childhood education is Head Start. The State Advisory Councils on Early Childhood Education and Care authorized under the Head Start Act may include homeless education expertise, and all McKinney-Vento State Coordinators should be in annual contact with their Head Start State Collaboration offices given the priority for serving homeless children in Head Start programs. Similarly, the Child Care and Development Fund State Plans submitted by State Child Care agencies/administrators to HHS may mention serving vulnerable populations such as homeless children and coordination with SEAs and LEAs to identify them.

**L-3. How can State Coordinators and local liaisons coordinate with other federally funded local homeless assistance programs that do not share the McKinney-Vento definition of “homeless children and youths”?**

State Coordinators and local liaisons should also know about two major agency programs serving homeless children and youths that do not use the McKinney-Vento definition of “homeless children and youths.” One group of programs includes the basic center, transitional living, and street outreach programs authorized by the Runaway and Homeless Youth Act and administered by HHS. It is beneficial for these project directors to know their McKinney-Vento State Coordinator and local

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<sup>24</sup> The U.S. Department of Housing and Urban Development (2012). *The 2012 Annual Homeless Assessment Report (AHAR): Volume 2*. Retrieved from: <https://www.onecpd.info/resource/3297/2012-ahar-volume-2-estimates-of-homelessness-in-the-us/>

liaisons to ensure that homeless children and families are aware of their rights under the McKinney-Vento Act and for coordinating referrals.

The other group of programs consists of homeless assistance programs administered by HUD; these programs do not always serve children and youths and determine eligibility using a different definition of homeless. Within this group, the two main programs are the Continuum of Care (CoC) and the Emergency Solutions Grant (ESG) programs that fund projects in local communities, usually on a city, multi-county, or balance of State basis. Although their service area usually covers multiple LEAs, these grant recipients should know their McKinney-Vento State Coordinator and local liaisons in order to coordinate referrals for housing services. The Department believes it is useful to have homeless education representation on the CoCs, especially to help inform decisions to prioritize projects for funding that support homeless children and youths. Furthermore, the Department encourages data coordination and collaboration on the annual Point in Time counts conducted by CoCs and required by HUD. This is particularly important because, in time, CoCs will develop coordinated entry systems that serve homeless individuals who are not eligible for HUD-funded housing assistance, but who may be eligible for prevention services or services funded by other agencies.

For more information on coordination opportunities, please visit the Department's [webpage](#) on cross-program and interagency initiatives serving children and youths experiencing homelessness.<sup>25</sup>

#### **L-4. Can an LEA determine whether a child or youth is homeless according to HUD's definition of "homeless"?**

Yes. As discussed in question E-2, State Coordinators must provide training or professional development opportunities for local liaisons on the definitions of terms related to homelessness specified in sections 103, 401, and 725 of the McKinney-Vento Act.<sup>26</sup> (Section 722(f)(6)). A local liaison who receives this training may affirm, without further agency action by HUD, that a child or youth who is eligible for and participating in a program provided by the LEA, or the child or youth's immediate family, who meets the eligibility requirements for a homeless assistance program or service authorized under Title IV of the McKinney-Vento Act (the CoC and ESG programs) is eligible for such program or service. (Section 722(g)(6)(D)). However, meeting the HUD definition of homeless does not necessarily mean that an individual 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; for more information on HUD eligibility determinations, see question L-5. For example, many rapid rehousing projects funded under HUD's homeless assistance programs are limited to individuals and families residing on the streets or in emergency shelters. Though a liaison may affirm that a family is homeless under HUD's definition, that family must still meet the other requirement (in this example, be residing on the streets or in an emergency shelter) in order to be eligible for the project.

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<sup>25</sup> To view the Department's homeless initiatives webpage, please visit: <http://www2.ed.gov/about/inits/ed/supporting-homeless-students/index.html>.

<sup>26</sup> For more information on different Federal definitions of "homelessness," please see Appendix A of the U.S. Interagency Council on How to Better Coordinate Federal Programs Serving Youth Experiencing Homelessness, pages 17-19. [https://www.usich.gov/resources/uploads/asset\\_library/USICH\\_Report\\_to\\_Congress\\_Federal\\_Programs\\_Serving\\_Youth\\_Experiencing\\_Homelessness\\_2016.pdf](https://www.usich.gov/resources/uploads/asset_library/USICH_Report_to_Congress_Federal_Programs_Serving_Youth_Experiencing_Homelessness_2016.pdf)



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 homeless child, youth, or family that was verified by the local liaison. To determine to whom to address or send the letter, please [contact](#) the Collaborative Applicant for the CoC.<sup>27</sup>

#### **L-5. How is eligibility determined under HUD’s homeless assistance programs, and what role can LEAs play in determining eligibility?**

Determining eligibility for a project funded under HUD’s homeless assistance programs generally takes into account four things:

1. The category (or categories) of HUD’s definition of “homelessness” the child or youth and his or her family qualified under;
2. The type of assistance being provided and whether there are further regulatory eligibility requirements or, for the CoC program, any additional eligibility requirements imposed by the Fiscal Year Notice of Funding Availability (NOFA) through which the project was awarded;
3. Whether the provider has chosen to restrict eligibility for its project (e.g., to youths under 24 experiencing homelessness or to veterans experiencing homelessness); and
4. The CoC or ESG recipient’s written standards for administering assistance, which establish the expectations for how recipients will prioritize their funds.
- 5.

It is the responsibility of the recipient or sub-recipient of funds under HUD’s homeless assistance programs (not the child or youth and his or her family presenting for assistance) to determine whether a child or youth and his or her family are eligible for their project and obtaining whatever documentation is necessary to maintain in the case file to document that eligibility. Local liaisons can be incredibly helpful in this process as they can provide affirmation of where the child or youth and his or her family have been residing (e.g., in an emergency shelter or with a friend or family) that can help the HUD-funded provider determine eligibility. If any criteria related to the homeless definition cannot be documented by a third party, however, the family or youth’s own written certification that they meet the criteria is generally sufficient.

For additional information about determining and documenting homeless status according to HUD’s definition, please visit HUD’s [website](#).<sup>28</sup> Additionally, further technical assistance from the Department and HUD will be provided at a later date to help State Coordinators and local liaisons navigate the relevant definitions and eligibility requirements for relevant HUD programs.

#### **M. Coordination with Title I, Part A of the ESEA**<sup>29</sup>

##### **M-1. Are homeless children and youths eligible to receive Title I, Part A services?**

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<sup>27</sup> To identify the Collaborative Applicant for a local CoC, visit:

<https://www.hudexchange.info/grantees/?granteesaction=main.searchresults&programid=3>.

<sup>28</sup> Information on homeless status according to HUD’s homeless definition can be accessed at the following link:

[www.hudexchange.info/resource/4783/determining-homeless-status-of-youth/](http://www.hudexchange.info/resource/4783/determining-homeless-status-of-youth/).

<sup>29</sup> In general, under the ESSA transition provisions, as clarified by the Consolidated Appropriations Act, 2016, during the 2016-2017 school year, States and LEAs must continue to implement Title I, Part A in accordance with the requirements that were in effect prior to enactment of the ESSA (i.e., the requirements under the No Child Left Behind Act).

Yes. Homeless children and youths are automatically eligible for services under Title I, Part A of the ESEA, whether or not they live in a Title I school attendance area or meet the academic standards required of other children for eligibility. (ESEA section 1115(c)(2)(E)). For example, homeless children and youths may receive Title I educational or support services from schoolwide and targeted assistance school programs.

**M-2. What are the requirements for coordination between services under Title I and the McKinney-Vento Act?**

A State must include in its Title I State plan a description of how the plan is coordinated with the McKinney-Vento Act. (*See* ESEA section 1111(a)(1)(B)). Additionally, an LEA receiving Title I, Part A funds must include in its local plan a description of how the plan is coordinated with the McKinney-Vento Act. The local plan must describe services provided to homeless children. (ESEA sections 1112(a)(1)(B) and (b)(6)).

**M-3. If a homeless child becomes permanently housed during a school year, is that child eligible to receive Title I, Part A services for the remainder of that school year?**

Yes. A homeless child or youth who becomes permanently housed during a school year continues to remain eligible for Title I, Part A services for the remainder of that school year. This helps ensure school stability for formerly homeless children. For example, it may be appropriate in certain circumstances for an LEA to use Title I, Part A funds to transport formerly homeless students to or from their school of origin for the remainder of the school year in which they become permanently housed.

**M-4. What types of services may an LEA provide to homeless students with funds reserved under section 1113(c)(3)(A) of the ESEA?**

Title I, Part A funds may be used to provide a wide variety of services to homeless students. In addition to providing services to assist homeless students in meeting the State's challenging academic standards, Title I, Part A funds may be used to provide services to homeless children and youths, including those in Title I schools, that may not ordinarily be provided to other Title I students. (ESEA section 1113(c)(3)(C)(ii)). For example, to help homeless students effectively take advantage of educational opportunities, an LEA may use Title I, Part A funds to provide, where appropriate, items or services including, but not limited to—

- 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;
- Fees for college entrance exams such as SAT or ACT; and
- GED testing for school-age students.

Two principles govern the use of Title I, Part A funds to provide such services to homeless students. First, the services must be reasonable and necessary to assist homeless students to take advantage of educational opportunities. (ESEA section 1113(c)(3)(A); 2 CFR § 200.403(a)). Second, Title I, Part A funds must be used only as a last resort when funds or services are not available from other public or private sources, such as the USDA’s National School Lunch Program and Breakfast Program, public health clinics, or local discretionary funds (sometimes provided by the PTA) used to provide similar services for economically disadvantaged students generally. (*See* ESEA section 1115(e)(2)).

**M-5. In an LEA with Title I and non-Title I schools, are homeless children and youths who attend non-Title I schools eligible to receive Title I, Part A services?**

Yes. Under section 1113(c)(3)(A) of the ESEA, an LEA must reserve sufficient Title I funds to provide services to homeless students who attend non-Title I schools that are comparable to those provided to students in Title I schools.

These services may include providing educationally related support services to children in shelters and other locations where homeless children live. Services should be provided to assist homeless students to effectively take advantage of educational opportunities.

In addition to serving homeless children and youths who attend non-Title I schools, as described in question M-4, the homeless set-aside may be used to provide services to homeless students in Title I schools that are not ordinarily provided to other Title I students.

**M-5a. Does the ESEA require an LEA to reserve Title I funds under section 1113(c)(3) if all schools in the LEA are Title I schools?**

Yes. Regarding applicability of the homeless reservation to an LEA that has all Title I schools, prior to the changes made by the ESSA, the ESEA required that an LEA reserve funds necessary “to provide services comparable to those provided to children in [Title I schools] to serve homeless children and youths who do not attend [Title I] schools, including providing educationally related support services to children in shelters and other locations where children may live.” (Emphasis added.)

The ESSA amendments to this section removed the italicized language. As a result, the statute no longer speaks to using this reservation for homeless students who are not attending Title I schools. Instead, the ESEA now more generally requires an LEA to reserve Title I funds necessary to provide educationally related support services to homeless children and youths regardless of whether they

attend a Title I school. In other words, this required reservation applies when all schools in an LEA are Title I schools (including Title I schoolwide schools) and when an LEA has Title I schools and non-Title I schools.

If an LEA has a mixture of Title I and non-Title I schools, an LEA may use this reservation to provide regular Title I services to homeless students attending non-Title I schools, as well as to provide homeless students with services not ordinarily provided to Title I students, regardless of whether the homeless students attend Title I or non-Title I schools (see ESEA section 1113(c)(3)(C)(ii)). Likewise, if an LEA has all Title I schools, it may use this reservation to provide its homeless students with services not ordinarily provided to other Title I students.

**M-6. How should an LEA determine the amount of funds to reserve for comparable services under Title I, Part A?**

Funds reserved for comparable services under section 1113(c)(3)(A)(i) of the ESEA may be determined based on a needs assessment of homeless children and youths in the LEA, taking into consideration the number of homeless children and youths identified by the LEA and their unique needs. This needs assessment may be the same as the needs assessment conducted by the LEA in applying for local McKinney-Vento subgrant funds. (ESEA section 1113(c)(3)(C)(i)).

**M-6a. Does the ESEA require an LEA to reserve a specific amount of Title I funds to serve homeless students under section 1113(c)(3)?**

No. The ESEA does not prescribe a specific amount. However, the ESEA requires that the amount be sufficient to provide services to homeless children as described above. Although not required, if only a small number of homeless students are identified in an LEA, an LEA may wish to use a districtwide per pupil amount for homeless students if this approach yields a reservation amount that is sufficient for the LEA to meet these requirements. When a greater number of students are identified as homeless, LEAs may find it helpful to use past years' enrollment and cost data on expenditures to determine the next year's reservation.

Additionally, as authorized under ESEA section 1113(c)(3)(C)(i) and described more fully in question M-6, an LEA may use a needs assessment to determine the reservation amount. Finally, as noted above, the homeless reservation may be used to provide homeless children and youths with services not ordinarily provided to other Title I students, including to fund a local liaison's salary and expenses and to defray the excess cost of school of origin transportation. LEAs may therefore consider these costs as well when calculating the amount of the Title I homeless reservation.

**M-7. What kind of needs assessment should LEAs conduct related to homeless children and youths to determine a suitable set-aside for comparable services and additional educational support services?**

One method for the LEA needs assessment is to look at homeless student enrollment averages or trends in the district over a two- or three-year period and the average per-pupil cost of providing Title I-funded services in the current fiscal year and multiplying those two numbers. However, the needs of homeless children and youths that affect their enrollment, attendance, and success in school can be unique and distinct from housed students and should be reviewed periodically and regularly,

at least more than once per school year. Other factors to consider are the presence of other State and Federal education grants that can provide the same or similar services as well as other community resources; these also change annually or regularly. Finally, the LEA 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.

**M-8. What is an LEA required to include in its Title I, Part A plan regarding services for homeless students?**

Under section 1112(b)(6) of the ESEA, an LEA must describe in its Title I, Part A plan the services it will provide homeless children and youths, including services provided with funds reserved under section 1113(c)(3)(A) of the ESEA, to support the enrollment, attendance, and success of these children and youths. 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.

**Tips for Facilitating Collaboration Between Title I and McKinney-Vento Act Programs**

The Title I, Part A program is a significant Federal education resource for the education of homeless children and youths. While McKinney-Vento Act subgrants are received by or cover approximately 20 percent of all LEAs, Title I, Part A homeless education requirements impact homeless children and youths in significantly more LEAs. Therefore, effective coordination between these two programs (given the requirements in both programs to serve homeless children and youths) can have substantive impacts on many homeless students. Consider the following recommendations for facilitating stronger collaboration:

- Ensuring that LEA local liaisons attend Title I conferences and in-service days and that Title I coordinators attend homeless education conferences and in-service professional development days;
- Encouraging local Title I coordinators and LEA local liaisons to work together to develop and implement a plan that identifies ways that Title I funds and programs will serve children and youths experiencing homelessness;
- Encouraging collaboration between the State Title I coordinator and the State McKinney-Vento coordinator on the State Title I plan or the State consolidated plan;
- Sharing Title I and Homeless Education handbooks with other program staff;
- Collecting and sharing within and across districts concrete data on the needs of homeless children and youths;
- Leading district-wide efforts to make organizational accommodations for eligible students, as necessary, in such areas as transportation, remaining in the school of origin, records transfer, class scheduling, and special services that will help them enroll, attend, and succeed in school;
- Ensuring that the needs of highly mobile students are included in the school improvement plans and not addressed as a separate issue;
- Establishing and widely disseminating information on district-wide policies, procedures, and guidelines to identify and serve eligible students;

- Ensuring State Coordinator and local liaison representation on the State Committee of Practitioners; and
- Including homeless parents in Title I parental involvement policies and creating opportunities for homeless parents to be involved.

**M-9. Is a State required to include homeless children and youths in its academic assessment system?**

Yes. A State must include homeless children and youths in its academic assessment system, consistent with section 1111(b)(2)(vii) of the ESEA. In addition, under section 1111(h)(1)(C)(ii)-(iii) of the ESEA, State and LEA report cards must include information on student achievement on the State's assessments and high school graduation rates, disaggregated by homeless status, starting in the 2017-2018 school year.

**M-10. May Title I, Part A funds reserved under section 1113(c)(3)(A) of the ESEA be used to fund the local liaison position?**

Yes. Title I, Part A homeless set-aside funds may be used to fund all or part of the homeless liaison's salary even if that person has no Title I duties. (ESEA section 1113(c)(3)(C)(ii)(II)). In larger districts with significant numbers of identified homeless students enrolled, an LEA may also use Title I funds to support, as necessary, additional staff carrying out the required duties of the local liaison.

**VI. Special Populations and Topics**

**N. Early Childhood Homelessness**

**N-1. What strategies can a local liaison use to identify homeless children who are five years or younger?**

Local liaisons can identify preschool-age homeless children by working closely with shelters in their area. Many children living in HUD-funded and other shelters are five years or younger, making shelters critical partners for ensuring that preschool-age children are identified and prioritized for educational services. In addition, liaisons should work with federally qualified health centers and social service agencies, such as agencies that administer the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Temporary Assistance for Needy Families (TANF), and other public benefits.

Local liaisons can also work with early childhood education providers to identify homeless preschool-age children. Examples of preschool programs vary based on the community but generally include Head Start and Early Head Start programs; public or private preschool programs which can be school or community based; public or private child care programs; family child care homes, and home-based early childhood programs, and early childhood health and development providers such as HHS/HRSA-funded Maternal, Infant, and Early Childhood Home Visiting (MIECHV) and Health Start programs. In addition, the liaison should work with school personnel, who can inquire, at the time they are enrolling homeless children and youths in school, whether the family has any preschool-age children.

The local liaison should also collaborate with the school district’s early intervention and special education programs. IDEA, Parts B and C require that all children residing in the State, who are suspected of having disabilities and who are in need of early intervention services, or special education and related services, are located, identified, and evaluated, regardless of the severity of their disability. This obligation, known as “child find,” is specifically applicable to homeless children, including infants, toddlers, and preschool-age children.

## **N-2. How can a local liaison assist homeless families in enrolling their children in a preschool?**

Even in districts without universal preschool, local liaisons should make every effort to enroll preschool-age homeless children in preschool if they are not already enrolled. The local liaison 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. Homeless children are also automatically eligible to attend preschool programs funded under Title I. (ESEA section 1115(c)(2)(E)).

## **N-3. What special considerations should be taken into account when determining whether or not a preschool-age homeless child should remain in his or her public preschool of origin?**

For children under five, the unsafe living conditions and poverty that accompany homelessness may have a negative impact on their brain development and impact learning, behavior, and both physical and social-emotional well-being.<sup>30</sup> Nurturing and stable relationships with adult caregivers is critical to the healthy social-emotional development of young children. An early childhood program may be the one stable and structured environment that young children who are homeless can depend on, and as such, school and program stability is of the utmost importance for this vulnerable population. In addition to the student-centered factors laid out in question I-3, other factors that are particularly important to consider during the best interest determination for public preschool-age children include:

- The child’s attachment to preschool teachers and staff;
- The impact of school climate on the child, including the school’s safety;
- The availability and quality of services to meet the child’s comprehensive needs, including health, developmental, and social-emotional needs (e.g., access to early childhood mental

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<sup>30</sup> See, for example, Fantuzzo, J., LeBoeuf, W., Brumley, B., & Perlman, S. (2013). A Population-Based Inquiry of Homeless Episode Characteristics and Early Educational Well-Being. *Children and Youth Services Review*, 35, 966-972; Perlman, S., & Fantuzzo, J. (2013). Predicting Risk of Placement: A Population-based Study of Out-of-Home Placement, Child Maltreatment, and Emergency Housing. *Journal of the Society for Social Work Research*; Richards, R., Merrill, R.M., & Baksh, L. (2011). Health Behaviors and Infant Health Outcomes in Homeless Pregnant Women in the United States. *Pediatrics*, 128, 438-446; McCloskey, L., Plough, A.L., Power, K.L., Higgins, C.A., Cruz, A.N., & Brown, E.R. (1999). A Community-wide Infant Mortality Review: Findings and Implications. *Public Health Reports*, 114, 165-177; Garcia Coll, C. Buckner, J.C., Brooks, M.G., Weinreb, L.F., & Bassuk, E.L. (1998). The Developmental Status and Adaptive Behavior of Homeless and Low-income Housed Infants and Toddlers. *American Journal of Public Health*, 88, 1371-1374; Children’s Work Group. (2010, August 26). Philadelphia Children and Youth Experiencing Homelessness. Author; Grant, R., Shapiro, A., Joseph, S., Goldsmith, S., Rigual-Lynch, L., & Redlener, I. (2007). The Health of Homeless Children Revisited. *Advances in Pediatrics*, 54, 173-187; Cutuli, J.J., Herbers, J.E., Rinaldi, M., Masten, A.S., & Oberg, C.N. (2009). Asthma and Behavior in Homeless 4- to 7-Year Olds. *Pediatrics*, 10, 145-151; and Zlotnick, C. (2009). What Research Tells Us about the Intersecting Streams of Homelessness and Foster Care. *American Journal of Orthopsychiatry*, 79, 319-325.

health consultants and other specialists, trauma-informed preschool for a child who has experienced trauma); and

- Travel time to and from the school.

#### **N-4. 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. (*See* sections 721(1), 722(g)(1)(F)(i), 722(g)(3)(I)).

#### **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. (Section 722(g)(3)(I)(i)). 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.

### **O. Credit Accrual**

#### **O-1. What types of barriers to credit accrual do homeless students sometimes experience?**

Students experiencing homelessness often face challenges in accruing credits. Class offerings, methods of calculating credits, and graduation requirements can vary greatly across school districts. Students who change schools late in high school can suddenly find themselves in danger of not graduating due to differing class and credit requirements. Furthermore, high schools often have "seat time" rules that prevent youths from earning credits if they enter the district late in the semester or leave early. These various policies and requirements have a negative impact on youths whose homelessness forces them to change schools mid-year.

The physical and mental stress caused by homelessness also affects students' ability to earn credits. Many students experiencing homelessness, particularly unaccompanied homeless youths, must balance school with other pressing responsibilities, including the need to work to ensure their economic survival. Students may miss school due to employment obligations or moving, struggle to concentrate during in-school time or on school assignments and projects due to lack of sleep or concerns about meeting their basic needs, or be unable to complete assignments due to lack of a quiet place to study.

#### **O-2. What are an LEA's responsibilities regarding credit accrual and transfer when a homeless child or youth changes schools?**

LEAs must have clear procedures in place to ensure that homeless students receive appropriate credit for full or partial coursework satisfactorily completed while attending a prior school. (Section 722(g)(1)(F)(ii)). Examples of such procedures include awarding credits for all courses satisfactorily



completed at a prior school even if the school was in a different district or State, consulting with a student's prior school about the student's coursework at that school, informally or formally evaluating students' current mastery of courses partly completed in a prior school, awarding partial credits, and offering credit recovery courses.

### **O-3. What strategies should an LEA consider to support students experiencing homelessness in accruing and recovering credits?**

LEAs should consider the following strategies:

- Working to keep students in their schools of origin so they can avoid the challenges associated with school change;
- Providing support to enable students to attend school consistently and progress academically;
- Awarding students partial credit for work completed;
- Complementing regular classes with independent study programs, including learning labs, on-line learning, and computerized models;
- Connecting with after school networks. Many States provide mentors and STEM instruction that could greatly enhance a student's ability to make work up, either through increasing a student's understanding of content or through a partnership that allows after-school time to count toward classroom credit;
- Using Multi-tiered Systems of Support, Positive Behavioral Interventions and Supports, or Response to Intervention teams to identify if students are struggling due to issues related to mobility and homelessness or if there are other needs that must be addressed in order for the students to demonstrate progress academically; and
- Working with family courts and LEA personnel to create or improve diversion programs or alternative education programs.
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### **P. Unaccompanied Homeless Youths**

#### **P-1. Why does the McKinney-Vento Act place special emphasis on serving the needs of unaccompanied homeless youths?**

Unaccompanied homeless youths often face unique barriers in enrolling and succeeding in school. These barriers may include school attendance policies, credit accrual, and legal guardianship requirements. Without a parent or guardian to advocate for them and exercise parental rights, they may be denied enrollment and remain out of school for extended periods of time. Unaccompanied homeless youths also may not understand their educational rights or know how to acquire this information. Given their vulnerability to not graduating from high school on time or at all, special attention and support should be provided to this important subgroup of homeless youths.

#### **Tips for Supporting Well-Being and Educational Success for Unaccompanied Homeless Youths**

Unaccompanied youths are specifically mentioned in many places in the McKinney-Vento Act statute because of their particular vulnerabilities. While there are special legal rights and requirements surrounding unaccompanied homeless youths, it is important for LEAs to recognize that unaccompanied homeless youths within a community often develop their own networks and

culture and should be attended to as a special subgroup of homeless students. Below are some resources and tips for addressing their needs:

Unaccompanied homeless youths often face unique barriers to enrolling and succeeding in school. They often lack consistent guidance and support from a caring adult, and many unaccompanied homeless youths confront the challenges and stressors of homelessness on their own. Schools are strategically positioned to support these vulnerable children and youths and may do so by:

- Providing targeted supports to ensure regular school attendance. This includes revising discipline policies to remove punitive consequences such as suspension and expulsion for chronically absent students and implementing practical supports for such students to address the underlying cause of absenteeism. For more information, see the Department's Every Student, Every Day: A Community Toolkit to Address and Eliminate Chronic Absenteeism [here](#).<sup>31</sup>
- Connecting youths with trained and committed mentors (including academic and peer mentors) to provide support, guidance, and a sense of connection to school. Such mentors can also help monitor youths' progress and develop graduation plans. Find more information on the elements of effective mentoring [here](#).<sup>32</sup> Or, for more information, visit the [National Mentoring Resource Center](#).<sup>33</sup>
- Connecting unaccompanied homeless youths to mental health supports, as needed. As homelessness is often associated with trauma (including sexual, physical, and mental abuse; neglect; and family separation), these youths may be especially in need of mental health treatment and emotional support. For more information, visit the [American School Counselor Association website](#),<sup>34</sup> the [National Association of School Psychologists website](#),<sup>35</sup> and the [School Social Work Association of America website](#).<sup>36</sup>
- Referring youths to community agencies that provide housing, such as HHS and HUD-funded programs and projects for eligible unaccompanied homeless youth, physical and mental health services, clothing, food, tutoring, mentoring, and more.
- Reaching out to your local workforce development board to learn about supports that may be available under the Workforce Innovation and Opportunity Act (WIOA). WIOA authorizes a number of educational and career supports for in-school and out-of-school youths, including homeless youths. For more information, see the U.S. Department of Labor's [WIOA Fact Sheet: Youth Program](#).<sup>37</sup> Visit the [CareerOneStop website](#) to locate a workforce partner in your area.<sup>38</sup>

## **P-2. What strategies can local liaisons use to identify unaccompanied homeless youths?**

Many of the identification strategies used for other subgroups of homeless students are also effective for identifying unaccompanied homeless youths, but additional strategies should be employed that target the students based on their unique characteristics. For example, establishing trust with unaccompanied youths, who may constitute their own community and culture or smaller networks

<sup>31</sup> <http://www2.ed.gov/about/inits/ed/chronicabsenteeism/toolkit.pdf>

<sup>32</sup> <http://www.nationalmentoringresourcecenter.org/index.php/what-works-in-mentoring/elements-of-effective-practice-for-mentoring.html>

<sup>33</sup> <http://www.nationalmentoringresourcecenter.org>

<sup>34</sup> <https://www.schoolcounselor.org/>

<sup>35</sup> <https://www.nasponline.org/>

<sup>36</sup> <http://www.sswaa.org/>

<sup>37</sup> [https://doleta.gov/WIOA/Docs/WIOA\\_YouthProgram\\_FactSheet.pdf](https://doleta.gov/WIOA/Docs/WIOA_YouthProgram_FactSheet.pdf)

<sup>38</sup> <http://www.careeronestop.org/LocalHelp/WorkforceSystemPartners/workforce-system-partners.aspx>

and subcultures, is vital to ensuring they stay connected to school and openly share information needed to help them succeed in school.

When posting notices of student rights in schools and in the community, special consideration should be given to place them in locations where youths are likely to congregate or receive services. Images and language should be youth friendly. Use of websites or social media should also be considered.

Additional strategies include coordinating with individuals or groups who are likely to work with youths. For example, registrars and other enrollment staff can assist by reviewing enrollment forms to identify which students are not in the physical custody of parents or guardians. Youth centers and shelters and youth development programs can provide information to students and make referrals to local liaisons. Law enforcement may be able to provide information and referrals due to their work with runaway youths. Local liaisons can also work with law enforcement to institute protocols to ensure youths are referred to the local liaison for eligibility consideration when officers enforce arrest warrants issued for parents and guardians.

### **Tips for Identifying and Re-enrolling Out-of-School Unaccompanied Homeless Youths**

Out-of-school youths are difficult to track, but collaborating with dropout prevention and reengagement programs and community-based organizations can help ensure that youths are identified and engaged in a way that meets their needs.

Many out-of-school youths may be alienated from school because of negative experiences and lack of success, so it is important to identify the challenges that have contributed to school disengagement, the resources that currently exist to reconnect youths, the accessibility of those resources, and the needed resources that are either unavailable or inaccessible.

Many youths who are not engaged in education may be served by other programs. To improve the identification of these youths, it is critical to collaborate with other local liaisons. This facilitates the identification of a youth who has dropped out of school in one district and is living in another. In addition, asking parents of enrolling children about older siblings may identify older siblings who are out of school.

Other helpful partners include:

- Staff from dropout prevention and alternative education programs;
- Staff from Runaway and Homeless Youth Act providers
- Current and former students;
- Foster care agencies;
- Juvenile justice facilities;
- Parent groups;
- Business, faith-based, community, and civic groups that volunteer money, staff, facilities, and services to serve youths;
- Indian and Native American programs;
- Migrant programs;
- Youth shelter directors;
- Teen parent and child care facilities; and
- Workforce development boards.

In addition to the strategies listed for identifying unaccompanied homeless youths, specific ways to identify out-of-school youths include creating a website that targets youths for school re-engagement, sharing information via social media, running public service announcements and infomercials on TV channels youths watch, and placing educational rights posters in fast food restaurants, 24-hour stores, and thrift stores.

**P-3. What are some of the unique needs of unaccompanied homeless youths? What steps should State Coordinators, local liaisons, educators, and school staff take to support these youths?**

While homeless children and youths generally may face a number of challenges to school success, unaccompanied homeless youths often face unique barriers to enrollment, attendance, and success in school. Research indicates that many unaccompanied homeless youths have experienced high rates of abuse and trauma prior to becoming homeless. Further, studies suggest that 20-40 percent of unaccompanied homeless youths identify as LGBTQ; for this population, family conflict and rejection after coming out is often a contributing factor to youths becoming homeless. Once homeless, these youths are at a high risk of becoming victims of human trafficking, as well as experiencing other forms of trauma and abuse.

LEA and school staff, including local liaisons, can play a critical role in the lives of these youths, providing support to help address underlying trauma unaccompanied homeless youths may have faced so that they can be successful in school. Further, local liaisons and other staff can help to ensure unaccompanied homeless youths get connected to other supports they need, including housing assistance, health care, and other basic needs. For more information on promising practices to support [LGBTQ homeless youths](#)<sup>39</sup> and information on [trafficking and the commercial sexual exploitation of children](#),<sup>40</sup> please visit the NCHE website.

Under Part B of the IDEA, public agencies must determine whether an unaccompanied homeless youth needs a surrogate parent, and pending the appointment of a surrogate parent when necessary, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents, until a surrogate parent can be appointed that meets all applicable IDEA requirements. 20 U.S.C. 1415(b)(2)(A)(ii) and 34 CFR § 300.519(a)(4) and (f).

**Q. Access to Postsecondary Education**

**Q-1. What are the responsibilities of LEAs with regard to preparing homeless students for college?**

Homeless youths may sometimes face barriers in accessing and completing postsecondary education, such as difficulties in applying for, receiving financial aid, and lacking a support network. LEAs must ensure that counselors provide advice to homeless youths to prepare and improve the readiness of such youths for college. (*See* section 722(g)(1)(K)). The local liaison, along with guidance counselors and other LEA staff tasked with college preparation, should ensure that all homeless high

<sup>39</sup> [http://center.serve.org/nche/ibt/youth\\_so.php](http://center.serve.org/nche/ibt/youth_so.php)

<sup>40</sup> <http://center.serve.org/nche/ibt/trafficking.php>

school students receive information and individualized counseling regarding college readiness, college selection, the application process, financial aid, and the availability of on-campus supports.

## **Q-2. How can local liaisons support unaccompanied homeless youths in applying for Federal financial aid for postsecondary education?**

Local liaisons must ensure that unaccompanied homeless youths are informed of their status as independent students under section 480 of the HEA (20 U.S.C. 1087vv). (Section 722(g)(6)(A)(x)(III)). Local liaisons also must assist youths with receiving verification of such status for federal student aid purposes. (Section 722(g)(6)(A)(x)(III)). This status is important because independent students do not need to provide parent information on the FAFSA, and an independent student's Federal financial aid package is calculated without the expectation of parental financial support.

A local liaison may continue to provide verification 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.

Visit NCHE's [website](#) for sample forms for documenting independent student status for unaccompanied homeless youths.<sup>41</sup> For more information on independent student status, please visit the Department's [student aid website](#).<sup>42</sup>

## **VII. Education for Homeless Children and Youth Contact information**

### **Whom do I contact for further information about the McKinney-Vento program?**

For further information or technical assistance, please contact the program office at [HomelessEd@ed.gov](mailto:HomelessEd@ed.gov).

Additional helpful information on the EHCY program and the work of the Department to support homeless students generally is available at the websites below:

- The McKinney-Vento Homeless Education Assistance Act and the Every Student Succeeds Act can be accessed by visiting the Department's [ESSA webpage](#)<sup>43</sup> and [EHCY program webpage](#).<sup>44</sup>
- The Department has a [webpage](#) on cross-program and inter-agency initiatives serving children and youths experiencing homelessness.<sup>45</sup>

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<sup>41</sup> [http://center.serve.org/nche/ibt/higher\\_ed.php](http://center.serve.org/nche/ibt/higher_ed.php)

<sup>42</sup> <https://studentaid.ed.gov/sa/fafsa/filling-out/dependency>

<sup>43</sup> Visit the Department's ESSA webpage here: <http://www.ed.gov/esea>.

<sup>44</sup> Visit the Department's EHCY program webpage here: <http://www2.ed.gov/programs/homeless/index.html>.

<sup>45</sup> Visit the Department's cross-program homeless initiatives webpage here: <http://www2.ed.gov/about/inits/ed/supporting-homeless-students/index.html>.

- The National Center for Homeless Education (NCHE) has had a contract with the Department to provide technical assistance for the EHCY program since 1998. Resources can be located by topic and by State on the [NCHE website](#).<sup>46</sup>

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<sup>46</sup> Visit the National Center for Homeless Education website here: [www.nche.ed.gov](http://www.nche.ed.gov).