

Funding Regulations: Supporting Students Experiencing Homelessness or in Out-of-Home Care

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WISCONSIN DEPARTMENT OF
PUBLIC INSTRUCTION

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McKinney-Vento and Every Student Succeeds Act (ESSA)

- Federal law for all public schools
- McKinney-Vento originally passed in 1987
- Reauthorized in 2015 by ESSA
- ESSA signed into law and made effective on December 10, 2015;
- Children “awaiting foster care” were moved from McKinney-Vento to foster care under ESSA effective December 10, 2016



McKinney-Vento Definition of Homelessness

The term “homeless” children and youth means:

“Children who lack a fixed, regular, and adequate nighttime residence...”

What exactly is a fixed, regular, and adequate nighttime residence?



McKinney-Vento Definition (*continued*)

Fixed: Stationary, permanent, not subject to change

Regular: Used on a predictable, routine, consistent basis; Consider the relative permanence

Adequate: Lawfully and reasonably sufficient; Sufficient for meeting the physical and psychological needs typically met in a home environment

Consider: Can the student go to the same place (fixed) every night (regular) to sleep in a safe and sufficient space (adequate)?



Eligibility—Who is Covered?

Children who lack a fixed, regular, and adequate nighttime residence:

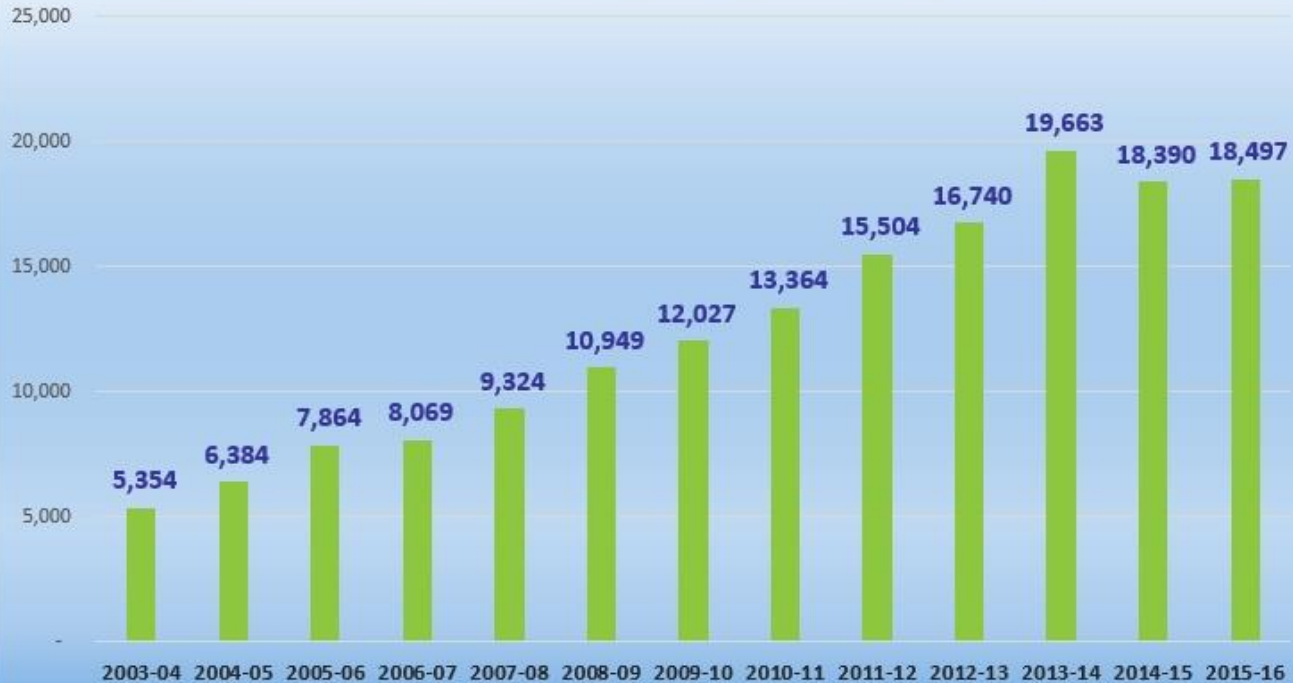
- sharing the housing of others due to loss of housing, economic hardship, or similar reason (*75 percent of identified McKinney-Vento students in 2013-14*)
- living in motels, hotels, trailer parks, camping grounds due to lack of adequate alternative accommodations. (*Motels: six percent of identified McKinney-Vento students in 2013-14*)

Eligibility (continued)

Children who lack a fixed, regular, and adequate nighttime residence:

- living in emergency or transitional shelters (15 percent of identified McKinney-Vento students in 2013–14)
- living in a public or private place not designed for humans to live
- living in cars, parks, abandoned buildings, substandard housing, bus or train stations, or similar settings
- migratory children living in above circumstances
- awaiting out-of-home care placement (until 12/10/16)

Homeless Student Enrollment in Wisconsin 2003-2016



Out-of-Home Care Definition

“Out-of-home care” or “foster care” means a foster home, treatment foster home, group home, residential care center, shelter care facility, the home of a relative not a parent, or the home of a nonrelative where the child is under the placement and care responsibility of the Department of Children and Families or a County or Tribal Child Welfare Agency (i.e., County or Tribal Social or Human Services Department).



Out-of-Home Care Numbers

- 56 to 75 percent will change schools when first entering out-of-home care
- 38 percent of children in care have experienced one or more school changes
- 11 percent have experienced two or more school changes
- Students lose four to six months of academic progress with each school change
- Only 57 percent of Wisconsin children in care will graduate high school
- Over the last ten years, a one-day count of children in out-of-home care has ranged from 6,500 to 7,500



Out-of-Home Care History

Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act)

Child's permanency plan must include "assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement." [Codified in Wisconsin law at sec. 48.38(4)(dm)]



Out-of-Home Care History

Uninterrupted Scholars Act of 2013 (USA)

- Amends the Family Educational Rights and Privacy Act of 1974 (FERPA)
- Requires sharing educational information by child's school with child welfare agency that has placement and care responsibility
[Codified in Wisconsin law at ss. 115.298 and 118.125(2)(q)]



Out-of-Home Care History

Every Student Succeeds Act of 2015 (ESSA)

- Amends the Elementary and Secondary Education Act of 1965 (ESEA)
- ESSA emphasizes the need for collaboration between education and child welfare agencies at the state, local, and tribal levels



School of Origin Definition

HOMELESS

The school the child or youth attended when permanently housed, or

The school in which the child or youth was last enrolled.

OUT-OF-HOME CARE

The school in which a child is enrolled or was most recently enrolled at the time of the child's placement in out-of-home care.

School of Origin Definition

- Includes district administered preschool programs
- Includes the designated receiving school at the next grade level for feeder school patterns, when the student completes the final grade level served by the school of origin
- Applies to both homeless and out-of-home care



Best Interest Determination

HOMELESS

Presume keeping students in their school of origin is in their best interest, as determined by the Local Education Agencies (LEAs)

OUT-OF-HOME CARE

Presume keeping students in their school of origin is in their best interest, as determined by the LEAs and the child welfare agency

School Stability: Homeless

Each LEA shall, according to each child's or youth's best interest:

- continue the student's education in the school of origin for the duration of homelessness, and until the end of the academic year in which the student becomes permanently housed; or
- Immediately enroll in any public school that housed students living where the student is living are eligible to attend.



School Stability: Out-of-Home Care

Both LEAs, in addition to the child welfare agency, shall, according to each child's best interest:

- continue the student's education in the school of origin, or
- immediately enroll the child in the resident school.



Homeless Transportation

LEAs must provide transportation to and from the school of origin, including until the end of the year when the student obtains permanent housing, at a parent's or guardian's request (or at the liaison's request for unaccompanied youth).

- **If staying in the same LEA:** that LEA must provide or arrange transportation to the school of origin;
- **If crossing LEA lines:** both LEAs must determine how to divide the responsibility and share the cost, or they must share the cost equally



Transportation Factors

TO BE CONSIDERED (IMPACTS EDUCATION)

- age
- safety
- distance and time
- need for special instructional programs

NOT TO BE CONSIDERED (IMPACTS LEA)

- distance and time
- cost

Out-of-Home Care Transportation

Transportation to school of origin must be provided for as long as the child is in out-of-home care.



Out-of-Home Care Written Transportation Procedures

Local agencies are expected to “develop and implement clear written procedures” that describe:

- how transportation costs will be handled, whether or not there is a dispute, and which agency or agencies will pay any additional costs incurred in providing transportation; and
- which agency or agencies will initially pay the additional costs so that transportation is provided promptly “during the pendency of the dispute.”



Out-of-Home Care Transportation

Major implication of the best interest determination involves:

- mechanisms for transportation and cost;
- “additional cost” is the focus of collaborative discussions between school districts and child welfare agencies;
- “additional cost” is what is above and beyond what the resident school district would pay if the child was attending school there.



Transportation

ESSA indicates that transportation should be provided in a cost-effective manner. Transportation could be provided by:

- foster parents or residential facility staff;
- parents or unaccompanied youth;
- volunteers as individuals or through social organizations;
- existing public school bus routes;
- cab or van services; and
- public transportation.



Title I Eligibility

Children and youth experiencing homelessness or out-of-home care placement are:

- automatically eligible for Title I services, including services provided through schoolwide or targeted assistance programs;
- eligible to receive Title I services for the remainder of any school year in which they become permanently housed; and
- eligible to receive Title I services, even if not attending a Title I school, through the Title I set-aside.


Title I-A Reservation of Funds

- Title I set-aside for homeless
- Title I set-aside for out-of-home care will be created for the 2017-18 school year
- Cannot use homeless set-aside to cover out-of-home care costs




Title I-A Reservation of Funds

All LEAs are encouraged to set-aside Title I, Part A funds (or use state or local funds) as necessary to provide services comparable to services provided in Title I-A schools.

- Amount may be determined based on a needs assessment and should involve the homeless liaison and the foster care point of contact.
 - Amount must be sufficient to provide comparable services.
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Title I-A Reservation of Funds

Funds may be used for homeless children and children in out-of-home care attending any school in the LEA:

- for services not ordinarily provided to other students;
 - to fund the Homeless Liaison or Foster Care Point of Contact;
 - to provide transportation to the school of origin; and
 - for educationally-related support services, including public-administered preschool programs.
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Determining the Title I Set-Aside

There are no federal- or state-mandated formulae. The following are examples of how to determine the set-aside amount:

Method #1 - Needs Assessment:

Identify past students' needs, and fund accordingly.

Method #2 - Per Pupil Amount:

Obtain a count of homeless students or students in out-of-home care, and multiply by Title I, Part A per-pupil allocation.

Out-of-Home Care Funds

- Title IV-E (of the Social Security Act) is a federal reimbursement program for child welfare services provided by states.
- The State claims IV-E on behalf of counties for any reported administrative and maintenance costs for eligible children.




Out-of-Home Care Funds

- Title IV-E allocations from the federal government are part of the block grants received by counties (State County Child Welfare Contract).
- The Children & Families allocation is not directly related to actual county out-of-home care costs.



Homeless Funds

U.S. Department of Education's guiding principles for using Title I-A funds:

- Services must be reasonable and necessary to enable homeless students to take advantage of educational opportunities.
 - Funds must be used as a last resort when services are not reasonably available from another public or private source.
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Homeless Funds: Permissible

Supplement, not supplant*:

- clothing/shoes (school uniform/dress code/gym uniform)
- cap and gown
- fees to participate in the general education program
- school supplies
- birth certificates
- medical/dental services (glasses, hearing aids, immunizations)

*This is not an exhaustive list

Homeless Funds: Permissible

Supplement, not supplant*:

- counseling for issues affecting learning
- outreach services to students living in shelters, motels, and other temporary residences
- extended learning time or tutoring support
- activities/services supporting parent involvement
- transportation to supplementary educational opportunities, such as after school tutoring programs

*This is not an exhaustive list

Homeless Funds: Not Permissible

Includes but is not limited to*:

- “extras” such as yearbook, letter jacket, class ring
- rent
- utilities
- clothing for parents

*This is not an exhaustive list.

Additional Resources

National Center for Homeless Education (NCHE)-

<http://serve.org/nche>

**National Association for the Education of
Homeless Children and Youth (NAEHCY)-**

<http://www.naehcy.org>

National Law Center on Homelessness and Poverty (NLCHP)-

<http://www.nlchp.org>

Questions?



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