WASBO Federal Funding Conference

McKinney-Vento and IDEA

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National Homelessness Data

- Number of children and youth experiencing homelessness enrolled in U.S. public schools
  - 2012-2013: 1,258,182
  - 2011-2012: 1,168,354
  - 2010-2011: 1,065,794

- Children are the fastest-growing segment of the homeless population
  - More than 40% of homeless children living in shelters are under the age of six

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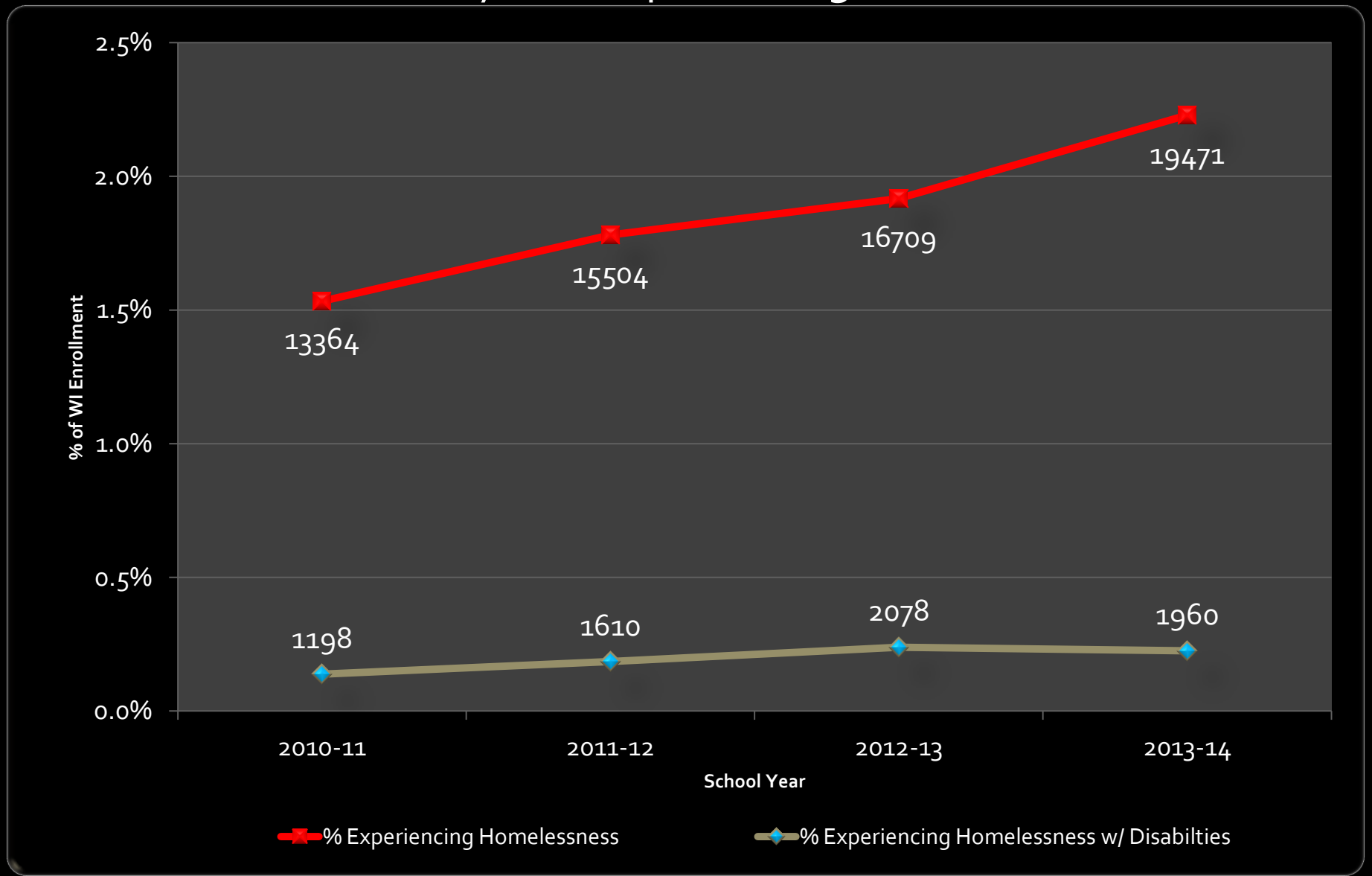
WI Homelessness Data

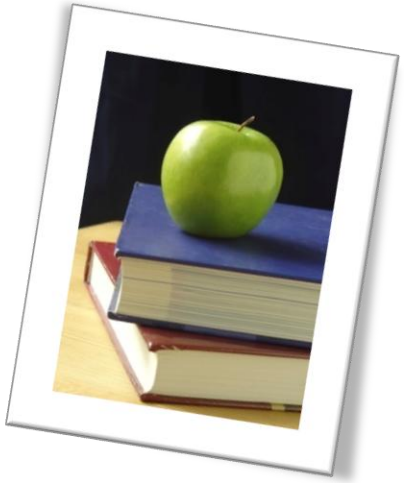
WI public schools have shown a steady increase in the enrollment of children and youth experiencing homelessness.



Education for Homeless Children and Youth (EHCY)

- Subtitle VII-B of the McKinney-Vento Homeless Assistance Act; reauthorized by Title X, Part C of ESEA

- Main themes of EHCY
  - School access
  - School stability
  - Support for academic success
  - Child-centered, best interest decision making
  - Role of the local homeless education liaison



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Homelessness Defined

The term "homeless" children and youth means:

"Children who **lack a fixed, regular, and adequate nighttime residence** — "

So, what exactly is a fixed, regular, and adequate nighttime residence?

Eligibility Under McKinney-Vento Homeless Assistance Act

- Sharing housing due to loss of housing, economic hardship, or similar reason (often referred to as "doubled-up")
- Living in motels, hotels, trailer parks, or camping grounds due to lack of adequate alternative accommodations
- Living in emergency or transitional shelters
- Awaiting foster care placement

Eligibility Under McKinney-Vento Homeless Assistance Act

- Living in a public or private place not designed for, or ordinarily used, as a regular sleeping accommodation for humans
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, etc.
- Migratory children who qualify as homeless because they are living in circumstances described above
- Unaccompanied youth living in the above circumstances

Unaccompanied Homeless Youth

- Youth who meet the definition of homeless AND "not in the physical custody of a parent or guardian" (e.g. youth living with relatives on an emergency basis, youth living with a friend, or runaway youth)

- Youth may be unaccompanied but not homeless

Eligibility under McKinney-Vento

- McKinney-Vento provisions apply to any student who has not yet graduated and who is enrolled in a public school program grades 4K to 12, including undocumented children and youth
- This includes students with disabilities ages 3 to 21 who are enrolled in a public school
  - Students without disabilities who have not graduated are entitled to remain enrolled through age 20

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Individuals with Disabilities Educational Act (IDEA)

- LEAs have the obligation to locate and identify all children with disabilities ages 3 to 21 who reside in the LEA, including children who are homeless
- LEAs must initiate an evaluation of any student suspected of having a disability for whom a referral has been made
- A student's homeless status should not affect the student's eligibility for special education

IDEA and McKinney-Vento

- Provisions of McKinney-Vento and IDEA are compatible
- IDEA does not supersede McKinney-Vento
- Students with disabilities who are homeless have the same rights under McKinney-Vento as non-disabled students
- There are additional requirements under IDEA regarding identification, evaluation, programming, and placement

Barriers to Education for Children and Youth in Homeless Situations

- Enrollment requirements (residency, school records, immunizations, or legal guardianship)
- High mobility resulting in lack of school stability and education continuity
- Lack of access to programs
- Lack of transportation
- Lack of school supplies, clothing, etc.
- Poor health, fatigue, or hunger
- Prejudice and misunderstanding

Enrollment and Access to Services

- Students are entitled to immediate enrollment even if they do not have school or other records normally required for enrollment
- Students must have access to educational services for which they are eligible, including special education, Title I, programs for English language learners, gifted and talented programs, vocational and technical education, and school nutrition

Other Services and Supports

- In addition to access to educational programs, homeless students are eligible for additional services and supports, including:
  - School supplies
  - Fee waivers
  - Tutoring programs
  - Before/after school programs
  - Referral to community and social services
  - Transportation to/from the school of origin
  - Title I, Part A services and supports

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School Selection

- Students experiencing homelessness may attend:
  - The local attendance area school (same as any resident student)
  - The school of origin
    - The school the child or youth attended when permanently housed; or
    - The school in which the child or youth was last enrolled

School Selection

- School selection is determined according to "best interest"
  - Generally, the student remains in the school of origin unless the parent or unaccompanied youth wishes otherwise

- Students may continue attending the school of origin until the end of any school year in which they move into permanent housing

School of Origin Decisions

- When a student with a disability who is homeless relocates, the new resident LEA must either:
  - continue the student's education in the school of origin, or
  - enroll the student in the attendance area school where permanently housed students are eligible to attend
- A student's disability may be a determining factor regarding school of origin decisions

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Free Appropriate Public Education (FAPE) Responsibility

- In general, the LEA where the student is currently living is responsible for implementing the IEP and insuring FAPE
- However, when the student remains in the school of origin in a non-resident LEA, the two LEAs may agree the LEA that was previously responsible for FAPE may remain the responsible LEA

Dispute Resolution School Selection

- Every state must establish dispute resolution procedures under McKinney-Vento. When a dispute over enrollment arises:
  - The parent or guardian must be provided with a written explanation of the school's decision, including the right to appeal
  - The student (including unaccompanied youth) must be allowed to attend the school selected, either school of origin or attendance area, and receive all services including transportation and, as appropriate, special education until the dispute is resolved

Disagreements about School of Origin for Students with Disabilities

- A student's disability may be a factor in determining if the student remains in the school of origin
- If, after following the LEAs usual process for addressing McKinney-Vento requirements, the decision is made that remaining in the school of origin is not in the student's best interest, the parents or unaccompanied youth are informed of the decision and the student transfers unless the parent appeals the decision

Disagreements about School of Origin for Students with Disabilities

- If the parent believes the student's special education needs cannot be met in the selected school, an IEP team meeting should be held to review the IEP and determine placement
- If the parent disagrees with the IEP team placement decision, the parent may use the dispute resolution options available under IDEA
  - Mediation, Complaint, Due Process

Transportation of Students Experiencing Homelessness

- Districts must transport students to and from the school of origin at a parent's or guardian's request (or at the liaison's request for unaccompanied youth)
- When the student is attending the school of origin outside the current district of residence, the district where the student is living and the district of origin determine how to divide the responsibility and cost, or must share the responsibility and cost equally

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Transportation Feasibility Factors

TO BE CONSIDERED	NOT TO BE CONSIDERED
▪ Age ▪ Safety ▪ Length of stay at the shelter ▪ Need for special instructional programs ▪ Distance (impact on education)	▪ Time ▪ Distance (impact on district) ▪ Cost

Transportation Strategies

- Provide passes for public transportation
- Use approved taxi or van services
- Reimburse parents or unaccompanied youth for gas (Sample: http://homeless.dpi.wi.gov/hmls_forms)
- Re-route school buses
- Several districts in Wisconsin have created Inter-District Transportation Agreements (Sample: http://homeless.dpi.wi.gov/hmls_forms)
- Work with Homeless Liaison

Transportation and IEP Services

- The need for transportation as a related service is a separate issue from the LEA obligation to provide transportation under McKinney-Vento
- The student's IEP team considers if specially designed transportation may be needed because of the student's disability
- IDEA funds may be used to pay for transportation as a related service

Title I Eligibility

- Children and youth experiencing homelessness 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
  - Eligible to receive Title I services, even if not attending a Title I school, through the Title I set-aside

Title I, Part A Set-aside

- Districts are encouraged to set aside Title I, Part A funds (or use local or state funds) as necessary to:
  - Serve students experiencing homelessness to include those not attending Title I schools or in grades not included in the district's Title I programming
  - Provide services comparable to those provided to children attending Title I schools, including providing educational support services to children in shelters and other locations where homeless children may live

Title I, Part A Set-aside

- When taking into consideration *barriers* that students experiencing homelessness often encounter, districts may provide students experiencing homelessness with services that are not ordinarily provided to other Title I permanently housed students, and are not available from other sources

Determining the Title I Set-Aside

- There is no federally mandated formula. This amount can be determined by:
  - Method #1: Needs Assessment - Identify homeless students' needs, and fund accordingly. The best way to determine the set-aside is to figure out how much it costs to pay for the services that homeless children in your district need and reserve that amount of Title I, Part A funds
  - Method #2: Per Pupil Amount - Obtain a count of homeless students, and multiply by Title I, Part A per-pupil allocation

Consolidated Appropriations Act of 2014

- Title I funds may be used to provide transportation to the school of origin by offsetting the excess cost of transporting children and youth experiencing homelessness to and from the school of origin

- Title I funds may be used to fund all or part of the homeless liaison's salary, even if that person has no Title I duties

Title I, Part A Set-aside

- 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)

Title I, Part A Set-aside

- 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

Title I, Part A Set-aside

- Prohibited (includes/not limited to)
  - "Extras" such as yearbook, letter jacket, class ring
  - Rent
  - Utilities
  - Clothing for parents

Subgrants - Wisconsin

Services provided with McKinney-Vento grant funds must not replace the regular academic program and must be designed to expand upon or improve services provided as part of the school's regular academic program

- Appleton Area School District
- Ashwaubenon School District
- Beloit School District
- CESA 3
- Fond Du Lac School District
- Janesville School District
- Jefferson School District
- Kenosha Unified School District
- La Crosse School District
- Madison Metropolitan School District
- Marinette School District
- Milwaukee Public Schools
- Racine Unified School District
- Sheboygan Area School District
- West Allis-West Milwaukee School District

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Homeless Liaison Responsibilities

Every LEA must designate a liaison for students experiencing homelessness to:

- Ensure children and youth in homeless situations are identified
- Ensure students experiencing homelessness are **IMMEDIATELY** enrolled in and have full and equal opportunity to succeed in school
- Link students experiencing homelessness with educational services, including preschool and health services

Homeless Liaison Responsibilities

- Inform parents, guardians, or unaccompanied youth of educational and parent involvement opportunities
- Inform parents, guardians, or unaccompanied youth of transportation services, including to the school of origin
- Post public notice of McKinney-Vento educational rights
- Ensure that disputes are resolved promptly

What Can You Do?

- Collaboration (district administrators, homeless liaison, social workers, transportation and nutrition program specialists, county workers, etc.)
- Review school practices to ensure they do not create barriers for homeless students
- Review district policies to ensure they do not create barriers for homeless students
- Ensure immediate enrollment and access to transportation

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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