

**Summary of McKinney-Vento Act and Title I Amendments in S. 2800,
The “Educational Success for Children and Youth Without Housing Act of 2009”**

McKinney-Vento Act	S. 2800 Amendments	Explanation
<p>POLICY STATEMENT</p> <p>Sec. 721 (42 U.S.C. 11431)</p>	<ul style="list-style-type: none"> Requires local educational agencies (in addition to SEAs) to ensure a free, appropriate public education for homeless students, and to review and revise policies that act as barriers Clarifies the requirement to mainstream homeless students (“Homelessness is not a sufficient reason to separate students from the mainstream school environment”) 	<p>The Policy statement outlines the broad policy goals of the statute. The amendments in S. 2800 strengthen the existing policy statement and bring it up to date with the substantive changes in the Act from the last reauthorization as well as the current proposal.</p>
<p>STATE ALLOCATIONS</p> <p>Sec.722 (a) and (b) (42 U.S.C. 11432)</p>	<ul style="list-style-type: none"> Increases the minimum funding for states from \$150,000 to \$300,000 Eliminates the requirement that minimally funded states distribute at least 50% of their state allocation to LEAs, instead subjecting small states to the existing requirement that States distribute at least 75% of the state allocation to LEAs through the competitive subgrant process 	<p>Statewide activities are essential to ensuring a consistent response to homelessness across all school districts in a state. Yet current funding is not sufficient to meet the needs of identified homeless children and youth at the state level or through subgrants to LEAs, especially in states that receive the current statutory minimum of \$150,000. In addition, when a state’s allocation is slightly above the minimum funding, there is a reduction for state activities until the SEA award is at least \$300,000. These amendments address those challenges for states with minimum and near-minimum allocations. A modest increase in appropriations would ensure that larger states do not lose funding as a result of these changes.</p>
<p>STATE ACTIVITIES</p> <p>Sec.722(d) (42 U.S.C. 11432)</p>	<ul style="list-style-type: none"> Requires that state grants be used to establish or designate a state coordinator office in the SEA that has sufficient capacity, resources, and support to carry out the duties in the Act Requires that state grants be used to provide activities and services to improve the identification of homeless children and youth and ensure their enrollment, attendance, and success in school and preschool Requires that state grants be used to develop and implement professional development activities for liaisons and other LEA and school personnel to improve identification of homeless children and youth and to heighten awareness 	<p>State Coordinators have primary responsibility for the implementation of the McKinney-Vento Act. Their numerous duties require adequate allocation of time and resources. The strength of the statewide program often determines the effectiveness of local efforts, including LEA compliance, particularly in the many LEAs that do not receive subgrants. The amendments in this section address these concerns by requiring that state coordinators have sufficient capacity, resources, and support to carry out their responsibilities.</p> <p>In addition, lack of awareness of homelessness was reported as a remaining barrier to the education of homeless children and youth by over-one third of all States in 2005-2006. Homeless students cannot be served if they are not identified. The amendments in this section will improve identification efforts in schools and in communities.</p>

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<p>PROHIBITION ON SEGREGATION</p> <p>Sec.722(e) (42 U.S.C. 11432)</p>	<ul style="list-style-type: none"> Eliminates the four-county exception to the prohibition on segregation Establishes a transition period of one year during which children and youth attending segregated schools in the exempted counties must be integrated into local schools and provided with full supports as required by this statute. 	<p>Since 1994, it has been the Policy of Congress that homeless children should not be separated from the mainstream school environment. Homeless children benefit from the stability, structure, greater resources, and normalcy of mainstream schools, where they can continue their education and their relationships with dignity and without disruption. Despite this important policy, some communities have continued to segregate homeless children in separate schools. During the last reauthorization, a political accommodation resulted in the exemption of four counties from the segregation prohibition. Eight years later, the segregated schools in these four counties show poor results, and have done little to address the barriers that led to their creation.</p> <p>In addition to these concerns, this exemption sets a disturbing precedent in federal policy. It is confusing and misleading for other schools and communities who are following the Act's mandates to remove barriers and to provide stability. Finally, there are numerous examples of communities who once segregated their homeless students, but have since transitioned to an integrated model. These communities report great success and offer concrete strategies for how the transition from segregation to integration can be made.</p> <p>The amendments in this section create consistent federal policy while providing support for the homeless children and youth who will be transitioned into mainstream educational settings.</p>

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<p>Functions of the State Coordinator</p> <p>Sec.722(f) (42 U.S.C. 11432)</p>	<ul style="list-style-type: none"> • Requires the State Coordinator to gather and make publicly available information on the number of homeless children and youth identified in the state, the nature and extent of problems these children have in gaining access to school and preschool, the difficulties in identifying special needs and barriers to participation and achievement, progress made by SEA and LEAs is addressing these problems, a description of subgrants awarded, the success of the programs in allowing homeless children to enroll, attend, and succeed in school. (<u>Note</u>: bold text indicates additions to current law) • Requires the State Coordinator to ensure that a report indicating the number of homeless children identified in each LEA is posted annually on the SEA’s web site • Requires State Coordinators to provide data requested by the U.S. Department of Education on the numbers, nature of temporary living situation, and academic progress of homeless students • Requires State Coordinators to coordinate and collaborate with: <ul style="list-style-type: none"> • Educators, including special education personnel, truancy, attendance, and drop-out prevention personnel, counselors, and personnel from Titles I, III, and IV of ESEA • Service providers, including including public and private child welfare and social services agencies, law enforcement, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, and runaway and homeless youth centers • Emergency, transitional, and permanent housing providers, including public housing agencies • Relevant state agencies and task forces, such as state interagency councils on homelessness, state agencies administering higher education programs and councils for higher education, state housing agencies, emergency/disaster response teams, Head Start State Collaboration Offices, and State Advisory and Coordinating Councils convened under Parts B and C of the Individuals with Disabilities Education Act; and • Coordinators for Education of Homeless Children and Youths in other States, including adjacent States; • Requires State Coordinators to conduct monitoring of LEAs 	<p>The amendments in this section emphasize the importance of greater public awareness – based on comprehensive data – of the educational needs of homeless children and youth and the programs available to serve them. The information to be made public includes information currently being collected by states and reported to USED. As such, it should not be overly burdensome for states to share this information via websites or other means.</p> <p>The amendments specify the SEA’s role in data collection and are consistent with changes suggested for LEA and Secretarial data collection responsibilities.</p> <p>Homelessness disrupts every aspect of a child or youth’s life. As a result, homeless children and youth have many service needs that must be addressed if they are to be successful in school. The collaboration and coordination responsibilities of the State Coordinator are important to help facilitate this service delivery. The amendments in this section combine the current statutory coordination responsibilities (Sec. 722(f)(4) and Sec. 722(f)(5)) into one section to eliminate redundancy; adding a purpose of improving identification and minimizing educational disruption; and specifying key partners, programs, and agencies with whom collaboration and coordination are essential.</p> <p>State monitoring of LEAs is the best way to ensure local compliance and provided necessary technical assistance. The amendments therefore require State Coordinators to conduct monitoring of LEAs.</p>

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<p>State Plan Dispute Resolution: Section 722(g)(1)(C)</p>	<p>Requires States to ensure that LEAs have developed dispute resolution procedures which, minimally:</p> <ul style="list-style-type: none"> • Are developed in coordination with liaisons • Are accessible to homeless parents, guardians, and unaccompanied youth • Provide parents, guardians, and youth with sufficient opportunity to present their complaints • Designate decision-makers who have received training on the Act <p>Requires State dispute resolution procedures to:</p> <ul style="list-style-type: none"> • Ensure that parents, guardians, and unaccompanied youth who have exhausted local level procedures are able to appeal to the SEA, which shall render decisions that are binding on LEAs • Define the role of state coordinator in resolving disputes appealed to the SEA • Include procedures to resolve disputes between LEAs promptly • Ensure that homeless children and youth are enrolled in school and receiving transportation to school pending final resolution of disputes, including all local and State procedures and pending legal actions • Include procedures for State or local educational agencies to determine the need for, and ensure the delivery of, additional academic support in cases where an LEA has unlawfully denied a student access to school or school services, including transportation. 	<p>Under current law, States are required to develop procedures for the prompt resolution of disputes. However, the absence of basic elements in State dispute resolution processes has created serious problems and inconsistencies in implementation. For example, many parents and youth still lack information about how to access dispute resolution; students are still sometimes kept out of school while disputes are being resolved; there is confusion about how to handle disputes that involve more than one LEA; States have reported difficulty in enforcing the resolution of local disputes; disputes that could have been resolved locally if a sufficient process were in place end up being appealed to the State due to ambiguity; and there is little recourse/assistance for children and youth whose educational rights have been violated and who have fallen behind in school as a result (for example, children kept out of school illegally for long periods of time due to lack of records or transportation).</p> <p>The amendments in this section require State dispute resolution processes to incorporate basic key elements. This preserves flexibility for States to develop their own policies, but adds core elements that must be addressed in any state policy. The amendments also promote the resolution of disputes at the local level.</p>

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<p>State Plan Educational Access Procedures Sec.722(g)(1)(F)</p>	<ul style="list-style-type: none"> • Requires States to have procedures that ensure that homeless children have access to public preschool programs administered by the SEA or LEA, including through policies described in the (new) school readiness section of the Act • Requires States to have procedures that ensure that homeless youth: <ul style="list-style-type: none"> • Have access to appropriate secondary education, including through policies and practices to ensure that youth are able to receive credit for full or partial coursework satisfactorily completed while attending a prior school • Are afforded opportunities to recover credits lost during periods of homelessness • Are not penalized for absences caused by homelessness; and • Are allowed to receive credit for work completed after their enrollment in school • Requires States to have procedures that ensure that homeless children and youth who meet the relevant eligibility criteria have access to: <ul style="list-style-type: none"> • Magnet school • Summer school • Vocational and technical education • Advanced placement • On-line learning opportunities • Charter school programs 	<p>Young homeless children continue to face many barriers in accessing public preschool programs. This amendment refers to a new section on school readiness, described below. See page 16.</p> <p>High mobility and gaps in schooling caused by homelessness create serious issues in accruing enough credits for graduation or promotion. Barriers to credit accrual lead many homeless youth to drop out of school. Not receiving credit for work completed in previous schools, or after their enrollment in a new school, or not having opportunities to recover credits, can serve as strong disincentives to continuing in school. The amendments in this section are based on a successful California state law. While granting partial credits may require policy revision at the state or local level, it is preferable to the alternative: highly mobile students dropping out of school and closing off their educational possibilities.</p> <p>The amendment in this section will assist homeless students to participate in the full range of educational opportunities for which they are eligible.</p>

McKinney-Vento Act	S. 2800 Amendments	Explanation
State Plan Assurances: Liaisons Section 722(g)(1)(J)(ii)	<ul style="list-style-type: none"> Requires LEA liaisons for homeless children and youth to have sufficient training, resources, and time to carry out the duties in the Act 	<p>The position of the school district liaison is essential to the effective implementation of the McKinney-Vento Act. ED's 2006 Report to Congress describes the demonstrated benefits of having a local liaison in every school district, including increased identification of homeless students, increased service provision, better coordination among programs, increased awareness of homeless children and youth among school and school district staff and in the community.</p> <p>However, ED also noted challenges, including the fact that many local liaisons are unable to devote sufficient time to the educational needs of homeless children and youth. Additional challenges include inconsistent liaison participation in training activities, as well as inadequate resources to support the position and ensure more dedicated time to meeting the needs of homeless students.</p> <p>The amendment in this section requires that homeless liaisons have sufficient training, resources and time to carry out their mandated duties.</p>

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<p>State Plan Assurances: Transportation Section 722(g)(1)(J)(iii)</p>	<ul style="list-style-type: none"> • Clarifies that transportation to the school of origin must be provided expeditiously for as long as the child or youth has the right to remain in the school of origin • Requires the LEA of origin and the LEA of residence to share equally the costs of transportation to the school of origin, unless they agree upon another method to apportion cost and responsibility, or the State educational agency has devised another method to apportion cost and responsibility among local educational agencies. 	<p>ED's 2006 Report to Congress notes that the requirement to provide transportation to keep homeless students in their school of origin has increased school stability and limited the educational disruption that children and youth experience when they lose their housing. Despite the general success of the transportation provision, delays in the provision of transportation have been reported as barriers to prompt or continued enrollment and attendance. In addition, some school districts have interpreted the school-of-origin transportation requirement to apply only while students are homeless, thus de-stabilizing the school placement of students who obtain permanent housing during the school year. Finally, inter-district transportation situations have raised questions about the appropriate cost-sharing and responsibility provisions between districts, often resulting in significant delays in students receiving transportation services. In response, some States have created cost-sharing arrangements to facilitate the process.</p> <p>The amendments in this section address each of these issues. They require that transportation be provided expeditiously for as long as the child or youth has the right to remain in the school of origin, thus improving continuity of education. In addition, the amendments require school districts to share equally the costs of transportation, unless they agree to another method, or the SEA devises another method. This is a slight change from current law, which requires LEAs to split the costs if they cannot agree upon a method of apportioning cost and responsibility. This amendment would help prevent transportation delays by requiring cost sharing up front, unless other methods were devised.</p>

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<p>State Plan Assurances: School Success Section 722(g)(1)(J)(iv)</p> <p>NEW SECTION</p>	<p>Requires SEAs and LEAs to adopt policies and practices that promote school success, including by:</p> <ul style="list-style-type: none"> • Ensuring homeless children and youths have opportunities to meet the same challenging State student academic achievement standards to which other students are held • Ensuring that homeless children and youth are able to participate fully in all classes and school activities, including: <ul style="list-style-type: none"> ○ Extracurricular activities; athletic activities for which they meet skill level requirements; ○ Before and after school programs; ○ Summer school programs; ○ Field trips; ○ Classes, tests, and activities with fees; ○ Services provided under title I and similar State and local programs; and ○ Other activities made available to nonhomeless students. • Ensuring that such policies and practices pay particular attention to removing barriers related to fees, credit accrual policies, lack of guardianship, lack of transportation, and enrollment and participation deadlines 	<p>In order for homeless children and youth to achieve academically, SEAs and LEAs must develop specific policies and practices to support their success. Full participation in school activities and enrichment programs is linked to on-time graduation and better educational outcomes. Yet according to the ED 2006 Report to Congress, State Coordinators report only moderate progress in homeless children and youth participating in these school activities and programs. Thus, homeless children and youth still face numerous barriers to accessing the full range of programs, activities, and services needed to stay engaged in school and to achieve academically. These students often require particular support to access school activities and programs.</p> <p>The amendments in this section give SEAs and LEAs the flexibility to devise their own strategies to confront these challenges, while requiring that policies be enacted to ensure that homeless students can participate in school activities and programs.</p>

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<p>State Plan LEA Requirements School Selection</p> <p>Section 722(g)(3)(B)</p>	<p>In determining the best interest of homeless children and youth, requires LEAs to:</p> <ul style="list-style-type: none"> • Presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the wishes of the parent or guardian, or the unaccompanied youth • Consider student-centered factors related to the child's or youth's best interest, giving priority to the wishes of the parent, guardian, or youth, including: <ul style="list-style-type: none"> • the harmful impact of school mobility on academic achievement and social and emotional well-being; • the age of the child or youth; • the impact any commute may have on the child's or youth's education; • personal safety issues; • the child's or youth's need for special instruction, including special education and related services; • the length of anticipated stay in temporary shelter or other temporary location; • the time remaining in the school year; and • the school placement of family members; • If, after conducting the best interest determination, the LEA determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or 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 decision, in a manner and form understandable to such parent, guardian, or youth, including a statement regarding the right to appeal 	<p>School can be an oasis of stability in lives otherwise troubled by constant disruption, loss and deprivation. School stability is also a proven academic achievement strategy and an important predictor of high school graduation. Changing schools is not only devastating to the achievement and progress of mobile students, but it has also been shown to harm the achievement of the students in classrooms with high mobility rates. Thus, in many ways, the school selection provisions in Sec. 722(g)(3)(A) and (B) are the heart of the McKinney-Vento Act.</p> <p>Over the past eight years, these provisions have contributed to a greater focus on school stability for homeless students and are regarded as central to the academic, social, and emotional well-being of homeless children and youth. However, the phrase "to the extent feasible" has created implementation problems and contributed to a weakening of the school stability provisions. Current ED guidance addresses these problems by stating that school selection decisions must be based on "best interest determinations" that are child-centered and take into account a number of important criteria (age of child, safety of student, time remaining in the school year, etc.). The ED guidance has been helpful; unfortunately, it has had a limited impact because as guidance, it does not have the force of law and has been overlooked, misinterpreted, or disregarded by some LEAs.</p> <p>The amendments in this section require schools to presume that staying the school of origin is in a child or youth's best interest, except when it is contrary to the wishes of the parent, guardian, or youth, or unless an individualized, student-centered best interest determination supports a change of schools. The amendments incorporate the ED guidance and "best interest" criteria into the statute, as well as adding language prioritizing the wishes of parents, guardians or youth.</p>

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<p>State Plan LEA Requirements Enrollment</p> <p>Section 722(g)(3)(C)</p>	<ul style="list-style-type: none"> • Requires LEAs to enroll homeless children and youth immediately, even if they: <ul style="list-style-type: none"> ○ Have unpaid fines or fees from prior schools ○ Are unable to pay fees in the school selected ○ Have missed application or enrollment deadlines during any period of homelessness 	<p>The immediate enrollment provisions of the McKinney-Vento Act have facilitated the timely school enrollment of homeless children and youth. These provisions gained attention for their role in assisting schools to enroll children displaced by the Gulf Coast hurricanes; displaced children, like so many homeless children, did not have records and would have faced serious enrollment barriers without the McKinney-Vento Act. Despite these successes, according to the ED 2006 Report to Congress, delays in transfer of records are still reported by school districts as a barrier to homeless children's education. In addition, some schools refuse to transfer school records if a student owes fees, thus creating an additional enrollment barrier. Inability to pay fees often prevents homeless students from participating fully in school activities.</p> <p>The amendments in this section require LEAs to immediately enroll homeless children and youth even if they have unpaid fines, are unable to pay fees, or have missed application or enrollment deadlines due to homelessness.</p>
<p>State Plan LEA Requirements Enrollment of Homeless Unaccompanied Youth</p> <p>Section 722(g)(3)(C)</p>	<ul style="list-style-type: none"> • Relieves school districts of liability for immediately enrolling an unaccompanied homeless youth without parent or guardian consent. 	<p>Since the last reauthorization of the McKinney-Vento Act, greater numbers of unaccompanied homeless youth have gained access to school and extra-curricular activities. However, many schools and districts continue to be reluctant to enroll unaccompanied youth, due to fears of liability. Yet youth who are homeless and on their own are always safer in school than on the street.</p> <p>The amendments in this section address this concern explicitly to prevent enrollment barriers related to fears of liability. It does not limit or obstruct parental rights, but helps ensure youth will be safely enrolled in school.</p>

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<p>State Plan LEA Requirements Transfer of Records</p> <p>Section 722(g)(3)(D)</p>	<ul style="list-style-type: none"> Requires schools to immediately send records of homeless children and youth to the enrolling school, even if the student owes fees or fines or was not withdrawn from the previous school in conformance with local withdrawal procedures Requires school records needed for academic placement decisions to be released immediately by fax or other available electronic means. 	<p>Delays in transfer of records are still reported by school districts as a barrier to homeless children’s education. The particular issue of school fees and withdrawal, described above, is commonly cited, as is the lack of records needed for academic placement decisions.</p> <p>The amendments in this section address these concerns by requiring the records of homeless children and youth to be sent immediately to new schools even if fines are owed, and requires school records needed for academic placement decisions to be released immediately by fax or other electronic means.</p>
<p>State Plan LEA Requirements Disputes</p> <p>Section 722(g)(3)(E)</p>	<ul style="list-style-type: none"> Clarifies that the dispute provisions in the Act apply to disputes over eligibility for services, school selection, enrollment in a school, or any other issue in the law Requires schools to immediately enroll homeless children and youth in the school in which they are seeking enrollment, pending final resolution of the dispute, including all available appeals (Note: bold text indicates additions to current law) Clarifies that parents, guardians, and unaccompanied youth must be provided with written explanations of any decision made by the school, the LEA, or the SEA, including information about the right to appeal the decision 	<p>Current law refers to disputes about school selection and placement. However, other issues have arisen between parents, unaccompanied youth, and schools, including disagreements about eligibility and other services. In addition, current law states that students must be “admitted” to school during the dispute, but does not specify that they must continue to participate in school and school activities during disputes (the McKinney-Vento definition of “enroll”). This provision is critical to ensure that children do not lose valuable school time while disagreements are resolved. Finally, current law requires schools to put their decisions in writing, but does not specify whether LEAs and SEAs must do the same.</p> <p>The amendments in this section correct these shortcomings in current law so that time in school can be maximized and disputes can be resolved fairly and expeditiously.</p>

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State Plan LEA Requirements Privacy Section 722(g)(3)(H) NEW SECTION	<ul style="list-style-type: none"> • Requires schools to treat information about a homeless child or youth’s living situation as a student educational record • Prohibits schools from releasing information about a homeless child or youth’s living situation to housing providers, employers, law enforcement, or other persons or agencies not authorized under FERPA • Requires schools to pay particular attention to preventing disruption of the living situation and to supporting the safety of survivors of domestic violence and unaccompanied youth 	<p>School districts have taken aggressive measures to verify residency, including contacting landlords and others persons with whom they are not authorized to share information. These actions jeopardize the housing and safety of the host and the homeless family or youth.</p> <p>The amendments in this section prohibit schools from sharing information about homeless children and youth’s living situation with unauthorized parties, including housing providers, employers, and law enforcement, and incorporate a FERPA reference to clarify schools’ obligations to keep education records private and protect children’s safety, particularly in cases involving domestic violence and unaccompanied youth.</p>
State Plan LEA Requirements Definition of School of Origin Section 722(g)(3)(J)	<ul style="list-style-type: none"> • Extends the definition of school of origin to include the designated receiving school at the next grade level for all feeder schools 	<p>Questions have arisen about the school placement of students who are transitioning between schools in communities where a “feeder” school system is in place. In these instances, a strict read of current law would prohibit students from staying in their school district of origin, since “school of origin” is defined as a school, not a school district. While in some cases a change of school district during these transitions is appropriate, in other cases (such as when a family will be returning to the locale in a short period of time, when siblings attend in the school district, or when a student has developed relationships with peers in that school district because they have attended it for large parts of their school career) such a change can be highly disruptive and detrimental to the child or youth’s education.</p> <p>The amendments in this section address this concern by extending the definition of “school of origin” to include the designated receiving school at the next grade level for all feeder schools. Nothing in this change would alter the fact that school selections in all cases are based on the best interest determination described in Sec. 722(g)(3)(B).</p>

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State Plan LEA Requirements Comparable Services Section 722(g)(4)	<ul style="list-style-type: none"> • Clarifies that “comparable services” are services provided to non-homeless children and are in addition to services provided for homeless children by this Act or other federal, state, or local policies • Adds charter schools and magnet schools to the list of comparable services specifically included the law 	<p>Schools have struggled with the meaning and application of “comparable services.” In addition, questions have arisen regarding homeless students’ access to charter and magnet schools.</p> <p>The amendments in this section clarify that comparable services are services in addition to other services provided for homeless children by McKinney-Vento or other programs, and add charter schools and magnet schools as specific comparable services.</p>
State Plan LEA Requirements Coordination Section 722(g)(5)	<ul style="list-style-type: none"> • Requires all LEAs (not just LEAs with subgrants) to coordinate with local agencies, including shelters, housing agencies, social service agencies, child welfare agencies, and health providers • Requires all LEAs to coordinate services for homeless students with other educational programs 	<p>A broad array of programs and services must be coordinated to address the myriad and complex needs of homeless children and youth. The benefits to LEAs of coordinating services include more efficient allocation of resources, comprehensive and coordinated service provision, increased identification of homeless children and youth, increased understanding of local agencies of the educational needs of homeless children and youth, access to more resources, placement of families close to schools of origin, and consistent policies across agencies.</p> <p>The amendments in this section require <i>all</i> LEAs (not only those with subgrants) to coordinate services with local agencies and education programs.</p>

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<p>State Plan LEA Requirements Coordination</p> <p>Homeless Children With Disabilities</p> <p>NEW SECTION</p> <p>Section 722(g)(5)(C)</p>	<ul style="list-style-type: none"> • Requires LEAs to coordinate services for homeless children with disabilities with services provided for children with disabilities, specifically: • Requires LEAs to adopt policies and practices to apportion cost and responsibility for transportation for children who are entitled to transportation under McKinney-Vento and IDEA • Requires LEAs that have placed a homeless child with disabilities in public or private placement outside of that LEA to continue to pay for that placement if the child moves outside of the LEA and continues to attend the placement as his or her school of origin, <u>unless</u> the placing LEA and the LEA where the student is temporarily residing agree upon another method to apportion the cost, or the SEA has devised another method to apportion cost and responsibility among LEAs. 	<p>According to ED's 2006 Report to Congress, most State Coordinators noted that access to special education had improved only moderately since the McKinney-Vento reauthorization. Many homeless children and youth with disabilities have experienced difficulty in accessing special education services. While the 2004 reauthorization of IDEA addressed many of these issues, problems continue to arise regarding: coordination of services; responsibility and payment for transportation when children are entitled to transportation under both statutes; and responsibility for payment when children are placed in private or public programs outside of the LEA and become homeless. The lack of statutory provisions on these issues has contributed to delays in services and gaps in education for children and youth who are homeless with disabilities.</p> <p>The amendments in this section require LEAs to develop their own policies to resolve these issues, but provide a "fall-back" position if SEAs and LEAs do not have their own policies.</p>

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<p>State Plan LEA Requirements Liaisons</p> <p>Section 722(g)(6))</p>	<ul style="list-style-type: none"> • Requires liaisons to identify homeless children and youth through outreach, and includes school registration forms as a suggested method of identification • Adds Early Head Start and early intervention to the liaison requirement to ensure access to early childhood programs • Adds substance abuse and housing services to the referrals the liaison is required to make for homeless families and youth • Broadens the requirement of liaisons to disseminate public notice so that public notice of the educational rights of homeless children must be incorporated into documents related to residency requirements or enrollment, provided upon school enrollment and withdrawal, posted on the local educational agency’s Web site, and disseminated in locations frequented by parents, guardians, and youth • Requires the public notice to be in a manner and form understandable to homeless parents, guardians, and youth • Requires liaisons to ensure that school personnel are adequately prepared to support implementation of the Act and receive professional development, technical assistance, and support • Requires liaisons to ensure that unaccompanied homeless youth are enrolled in school, have opportunities to meet challenging State standards, and are informed of their status as independent students for purposes of financial aid under the Higher Education Act and receive verification • Requires state coordinators to provide liaison contact information and duties to community service providers and to provide an annually-updated list of liaisons on the SEA website • Requires liaisons to collect and provide state coordinators with valid, reliable, and comprehensive data required by the US Department of Education • Requires liaisons to participate in the professional development and technical assistance opportunities offered by the State 	<p>The amendments in this section incorporate lessons learned over the past eight years, including the need to increase outreach and identification efforts; greater attention to young children experiencing homelessness; better collaboration with housing agencies; improved dissemination of public notice in locations and in a format accessible to parents and youth; greater awareness and training for school personnel so that they are able to implement the Act appropriately; and more attention to and assistance for unaccompanied homeless youth, not only in enrollment but also in accessing academic programs and services.</p> <p>Other amendments to this section acknowledge that school personnel, service providers, and homeless families and youth must be able to contact the liaison in order for children and youth to receive assistance.</p> <p>In addition, as noted earlier, consistent data collection has been problematic due to the lack of clear responsibilities in the statute. These amendments, together with those added to the state and federal data collection sections, will contribute to better and more comprehensive information about the educational problems and progress of homeless children and youth.</p> <p>Finally, under current law, States are required to provide professional development, but liaisons are not required to participate in it. Appropriate training is essential in order for liaisons to be able to carry out their duties. The amendments therefore require liaisons to participate in training offered by the state.</p>

McKinney-Vento Act	S. 2800 Amendments	Explanation
<p>State Plan LEA Requirements School Readiness</p> <p>Section 722(g)(7)</p> <p>NEW SECTION</p>	<ul style="list-style-type: none"> Requires preschool programs that are administered, funded, or overseen by SEAs and LEAs to comply with the school of origin and transportation requirements of the McKinney-Vento Act; to immediately enroll homeless preschool children, except if the program is at full capacity when the child seeks to enroll; to identify and prioritize homeless children for enrollment through such methods as reserving slots and waiving deadlines; and to develop policies to meet the needs of homeless children. Requires State-funded preschool programs that are <u>not</u> administered, funded, or overseen by the SEA or LEA to develop, review, and revise policies that are barriers to the enrollment of homeless children, including transportation barriers; provide, to the maximum extent possible, transportation to preschool, including the preschool of origin; to immediately enroll homeless preschool children, except if the program is at full capacity when the child seeks to enroll; to identify and prioritize homeless children for enrollment through such methods as reserving slots and waiving deadlines; and to develop policies to meet the needs of homeless children. 	<p>According to the ED 2006 Report to Congress, most State Coordinators reported only little to moderate progress in ensuring that preschool-aged homeless children are enrolled in preschool. Under current law, it is unclear if homeless preschool children are afforded the main protections of the McKinney-Vento Act, including immediate enrollment and the right to stay in the same preschool placement if it is in the child’s best interest. Yet homeless children face unique barriers to enrolling and participating in early learning programs. They may be denied enrollment for lack of records, birth certificates, or other documentation normally required for enrollment. High mobility frequently prevents families with young children from rising to the top of enrollment waiting lists before they move. In addition, mobility is a barrier to <u>any</u> participation in preschool programs: unlike education for school-age children, not all jurisdictions offer preschool programs, and if they do, they are often full. For young children, losing their housing doesn't just mean having to change preschools, it often means going without any early education at all, either because there is no program where they are temporarily living, or because the local program is full with a wait list. Homeless families often need transportation for their young children to attend any preschool program.</p> <p>The amendments in this section align the preschool provisions of the McKinney-Vento Act with the school-age provisions, while at the same time addressing the unique features of early learning programs. Common and successful methods of prioritizing young homeless children in preschool programs, such as reserving slots, are explicitly authorized in the bill; this language is essential to make clear that these are both permissible and recommended. Finally, the amendments in this section mirror the Head Start Act’s provisions for enrolling and prioritizing homeless children.</p>

McKinney-Vento Act	S. 2800 Amendments	Explanation
State Plan LEA Requirements No Diminishment of Power Section 722(h) NEW SECTION	<ul style="list-style-type: none"> • Clarifies that the federal law does not limit any additional rights provided to homeless children and youth by state law, policy, or practice, including laws that authorize best interest determinations to be made solely by parents, guardians, or youth 	Some states have adopted laws, regulations, policies, or practices which give the authority to determine best interest and choose the school of enrollment solely to parents, guardians, and/or unaccompanied youths. The amendment in this section clarifies that the McKinney-Vento Act does not limit states' rights to afford parents, guardians, or youth greater decision-making rights.
LEA Subgrants Section 723	<ul style="list-style-type: none"> • Eliminates the exception to the segregation prohibition for the use of McKinney-Vento subgrants on school grounds for healthy and safety reasons or temporary, supplemental, special services • Requires that LEA applications for subgrants include an assurance that the LEA will collect and promptly provide data requested by the state coordinator to fulfill federal data collection mandates • Requires that LEA applications for subgrants contain a description of the policies and procedures the LEA has implemented to remove barriers to the enrollment, attendance, and success of all homeless children and youth • In awarding subgrants, requires States to consider the extent to which the LEA uses the subgrant to leverage resources, including by maximizing non-subgrant funding for the position of the liaison and the provision of transportation • In awarding subgrants, requires States to consider the LEA's use of Title I, Part A funds to serve homeless children and youth 	<p>The amendment eliminates a narrow exception to the segregation prohibition both because there is no need for these exceptions, which apply only to services provided by McKinney-Vento subgrants on school grounds, and because this unnecessary section of the law has confused LEAs.</p> <p>In order to address current problems with data collection, the amendment requires that all subgrant applications include an assurance that data will be collected and promptly submitted to the State Coordinator.</p> <p>All districts with McKinney-Vento subgrants should be able to demonstrate how they have removed barriers to enrollment, attendance, and success.</p> <p>The amendments to this section help ensure that McKinney-Vento subgrants will leverage other resources. The amendments also acknowledge that LEAs that receive subgrants should demonstrate their commitment to comprehensive services for homeless children and youth through their Title I reservation of funds.</p>

McKinney-Vento Act	S. 2800 Amendments	Explanation
<p>LEA Subgrants Authorized Activities</p> <p>Section 723(d)</p>	<ul style="list-style-type: none"> • Authorizes the use of subgrant funds for activities designed to increase the meaningful involvement of parents or guardians of homeless children or youths in the education of their children • Expressly authorizes the use of subgrant funds for transportation (including preschool transportation) and to support the position of liaison • Broadens the authorized use of subgrant funds for extraordinary or emergency assistance needed to enable homeless children and youth to enroll, attend, and succeed in school and preschool programs 	<p>Research demonstrates that parent involvement in children’s learning is positively related to achievement. The amendment therefore authorizes the use of subgrant funds to increase parental involvement.</p> <p>The amendment clarifies the use of subgrant funds for transportation and liaisons.</p> <p>LEAs should have the flexibility to use subgrant funds for emergency assistance to help homeless children and youth enroll and succeed in school (i.e., not only attend school).</p>
<p>Secretarial Activities Duties, Office, Notice</p> <p>Section 724</p>	<ul style="list-style-type: none"> • Requires the US Department of Education to provide technical assistance to SEAs proactively (i.e. not only at the request of an SEA) • Requires the Secretary of Education to establish or designate a federal office for the education of homeless children and youth with sufficient capacity, resources, and support to carry out the responsibilities of the Act • Requires the Secretary of Education to distribute national public notice of the educational rights of homeless children and youth to offices inside the Department of Education, and to other federal programs and agencies. The public notice must contain information about the definition of homelessness included in the statute. 	<p>ED should be able to provide technical assistance to all SEAs. Technical assistance is most effective when it occurs before problems appear. Due to staff turnover or other challenges, SEAs may not always be able to make timely requests for technical assistance, resulting in children being unable to benefit fully from the Act’s provisions.</p> <p>ED currently maintains a Coordinator for Homeless Children and Youths, which is a critical position. Like State Coordinators and liaisons, the Federal Coordinator must have the capacity, resources, and support needed to carry out the duties the law assigns to ED. The amendment addresses these issues explicitly.</p> <p>In order to effectively reach all populations of children experiencing homelessness, public notice should include information about eligibility under the Act (i.e., definitions). In addition, notice should be distributed to other federal education programs, as well as other key federal agencies and programs.</p>

McKinney-Vento Act	S. 2800 Amendments	Explanation
Secretarial Activities Evaluation and Dissemination Section 724	<ul style="list-style-type: none"> • Requires the Secretary of Education to conduct evaluation and dissemination of program activities and permits use of McKinney-Vento funds to enter into contract with eligible entities to carry out these activities • In awarding contracts for this purpose, allows the Secretary of Education to limit competition or otherwise prioritize entities that have experience in homeless education and collaborative relationships with state coordinators and local liaisons 	For the past eleven years, ED has funded a national clearinghouse on homeless education. This clearinghouse is an invaluable resource supporting efforts to implement the McKinney-Vento Act. The materials, trainings, and other support have increased awareness, skill-levels, and the general capacity of LEAs and SEAs to effectively serve homeless children and youth. A national clearinghouse is able to leverage resources, and has the capacity to devote more time, staff, and on-site technical assistance to McKinney-Vento activities than ED. Therefore, the amendments continue to authorize ED to fund such a technical assistance center, and allow ED to give priority to entities with demonstrated experience and collaborative relationships.
Secretarial Activities Publication Section 724	<ul style="list-style-type: none"> • Requires ED to publish a summary of the changes to the Act within 90 days after passage • Requires the summary to include strategies for SEAs to assist LEAs to implement the amendments, strategies for SEAs to review and revise State policies that may act as barriers, and strategies for State or LEA funded preschool programs to implement the requirements of the Act 	The amendments require ED's Federal Register notice to summarize the Act and provide strategies to assist in timely and effective implementation of the new provisions

McKinney-Vento Act	S. 2800 Amendments	Explanation
Secretarial Activities Data Collection Section 724	<ul style="list-style-type: none"> • Requires ED to collect and disseminate data no less than every two years • Requires ED to collect information from all LEAs on the numbers of homeless children and youth (including children enrolled in State or LEA-funded preschool programs) and their type of living situation when identified • Requires ED to collect data on the academic progress being made by homeless children and youths, including the percent or number of homeless children and youths participating in State assessments 	<p>In order to assess progress under the Act and to adjust programs and policies accordingly, it is important that federal data be collected and made publicly available at least every two years</p> <p>ED currently attempts to collect data from all LEAs. However, States have faced challenges in obtaining this data from districts without subgrants. Specifying that data is to be collected from all LEAs will aid federal data collection efforts. In addition, data collection should include public preschool programs.</p> <p>Over the past eight years, ED has attempted to collect data from SEAs about the academic progress of homeless students. This data is essential to an understanding of the effectiveness of many policies and programs. However, many SEAs have struggled to obtain academic data from LEAs. Including this requirement explicitly in the statute will aid federal data collection efforts.</p>
Definitions Section 725	<ul style="list-style-type: none"> • Provides a definition of “include” and “including” that means that the items named are not all of the possible items that are covered, whether like or unlike the ones named • The definition of unaccompanied youth is clarified to mean a homeless child or youth not in the physical custody of a parent or a legal guardian 	<p>This definition of “include” is identical to the definition contained in the IDEA 2004 regulations. It will assist interpretation of many McKinney-Vento Act provisions.</p> <p>The definition of “unaccompanied youth” must be inclusive of the age range of this population, and the nature of custody arrangements.</p>
Authorization of Appropriations Section 726	<ul style="list-style-type: none"> • Raises the authorized funding level from \$70 million to \$300 million for FY2010, and such sums as may be necessary through FY2016 	<p>The number of homeless children and youth enrolled in public schools has increased by 38% over the past two years. Yet at the current funding level, only 9% of LEAs receive subgrants to provide direct services to homeless children and youth. While ARRA funds more than doubled the number of LEAs participating, these funds will soon run out. More funding is needed to increase the ability of LEAs to identify homeless children and youth and ensure their school enrollment and success.</p>

Title I Part A	S. 2800 Amendments	Explanation
Accountability Section 1111(b)(2)	<ul style="list-style-type: none"> Requires homeless children and youth to be included in academic assessment, reporting, and accountability systems, but does not require States to disaggregate the assessments of homeless children as a separate category for adequate yearly progress 	Homeless children and youth's participation rates in state assessments have increased over the past eight years, in part due to their inclusion in current Title I regulations (Section 200.6(d)). The amendments incorporate these regulations into the statute.
State Assurances Section 1111(c)	<ul style="list-style-type: none"> Requires SEAs to ensure that the requirements of the education subtitle of McKinney-Vento are met as a condition of receiving Title I Part A funds 	The McKinney-Vento Homeless Assistance Act provides school access and stability for a particularly vulnerable subset of Title I students – homeless students. The McKinney-Vento Act's provisions have proven to be a key strategy to improve the academic achievement of homeless students; without McKinney-Vento, homeless students are unable to enroll in or attend school, thereby facing exclusion from Title I services. Therefore, any SEA or LEA that accepts Title I, Part A funds should be in compliance with the McKinney-Vento Act. State efforts to ensure compliance with the McKinney-Vento Act will be greatly enhanced if such compliance is a specific requirement of Title I funds.
LEA Title I Plan Section 1112(b)(1)	<ul style="list-style-type: none"> Requires LEA plans for Title I funding to describe how the LEA will ensure the enrollment, attendance, and success of homeless children and youth; the services that the LEA will provide to homeless children and youth, including under the set-aside; the amount of funds reserved for homeless children and youth; the needs assessment used to determine this amount; the collaborative role of the liaison in determining the amount and the services provided; the services provided to homeless children in the previous year, an explanation of any discrepancy between anticipated and actual use of funds, and an explanation of any unspent reserved funds Requires LEA plans for Title I funding to include an assurance that the LEA will comply with the education subtitle of the McKinney-Vento Act 	More specificity and objective information is required in order for LEAs to set aside appropriate amounts of their Title I Part A funding to meet the unique educational needs of homeless students. To ensure accountability with the proposed needs assessment and to facilitate monitoring of the proposed requirements, the LEA plan must describe in detail the amount of funds reserved, the relationship of the needs assessment to the amount, the services that will be provided, a rationale for any unspent funds from the previous year, and the role of the liaison in collaboratively determining the amount.

Title I Part A	S. 2800 Amendments	Explanation
<p>Reservation of Funds</p> <p>Section 1111(c)(3)</p>	<ul style="list-style-type: none"> • Clarifies that LEAs must reserve funds to assist homeless children and youth in schoolwide, targeted assistance, and non-participating schools • Authorizes the use of Title I funds to provide services to homeless students not ordinarily provided to other students, including the position of homeless liaison, transportation to the school of origin, services for homeless preschool students and secondary students, providing support services to homeless children in shelters and other locations where they may live, and removing barriers to homeless children and youth’s enrollment, attendance, retention and success in school • Requires the amount of the Title I setaside to be determined collaboratively with the LEA liaison and based upon an assessment of the needs of homeless children and youth in the LEA • Requires the needs assessment to include the following: <ul style="list-style-type: none"> ○ The percentage of children in poverty in the LEA ○ Available data on homelessness in the LEA, including data from HUD homeless programs, RHYA programs, Head Start and Early Head Start, and other preschool programs in the LEA ○ The number of homeless children and youth reported by the LEA the previous year ○ Gaps in identification of homeless children and youth in the LEA as described by the liaison ○ Transportation and other needs of homeless children and youth, as described by the liaison ○ Strategies to improve academic achievement and high school graduation rates of homeless children and youth in the LEA 	<p>Homeless students are a specific part of Title I, Part A’s target population of disadvantaged students. However, the high mobility, trauma, and deep poverty associated with homelessness create unique educational barriers and challenges. Homelessness is associated with lower standardized test scores and a higher likelihood of missing school and/or experiencing multiple transfers. Thus, homeless students often require additional supports for academic achievement and success on state assessments.</p> <p>Current law requires school districts to set aside Title I Part A funds (“such funds as are necessary” for “comparable” services) to provide educationally related services to homeless children who attend non-participating schools. However, lack of clarity in how to determine the amount of the set aside, and how the funds can be spent, has resulted too often in the Title I funds not being set aside in adequate amounts, and/or not being used appropriately to meet the needs of homeless students. The amendments in this section therefore propose that the Title I Part A set-aside amount be determined by a rigorous needs assessment that a) includes objective, specific, verifiable information; and b) requires the involvement of the homeless liaison.</p> <p>In addition, ED has interpreted current law to prevent school districts from utilizing Title I funds to provide transportation to the school of origin per the McKinney-Vento Act. The amendments specifically authorize the use of Title I setaside funds for transportation, the position of the liaison, and other activities to meet the unique educational needs of homeless children and youth.</p>

Title I Part A	S. 2800 Amendments	Explanation
Schoolwide Programs Section 1114(b)	<ul style="list-style-type: none"> Requires that the needs of homeless children and youth be specifically included in a comprehensive needs assessment of the entire school 	Including homeless children and youth, along with migratory children, in schoolwide needs assessments will help schools consider the impact of student mobility on academic achievement
Parent Involvement Section 1118	<ul style="list-style-type: none"> Requires LEAs to pay particular attention to homeless parents when evaluating the effectiveness of the parental involvement policy Requires LEAs to provide opportunities for the full participation of homeless parents in parental involvement activities 	Homeless parents face numerous barriers to involvement in their children's education, including the stress of living without a home, lack of transportation, and other issues related to their unstable living situation. For this reason, the amendments require school districts to pay particular attention to removing these barriers and provide full opportunities to increase parental involvement for homeless parents.
Dropout Prevention Section 1822	<ul style="list-style-type: none"> Authorizes as an eligible use of Dropout Prevention funds outreach activities to identify and locate homeless students 	Homelessness puts children and youth at significant risk of dropping out of school. The high mobility rate, gaps in education, and struggle to attend school while homeless create tremendous barriers to graduation. The amendments encourage specific attention to homeless youth in authorized drop out prevention activities, especially outreach and identification activities.
Title IV of ESEA	S. 2800 Amendments	Explanation
21 st Century Community Learning Centers Section 4203	<ul style="list-style-type: none"> Requires SEAs to require eligible entities to describe in their applications how they will ensure the participation, attendance, and success of all eligible homeless children and youth, paying particular attention to the needs of unaccompanied youth Requires SEAs to require eligible entities to describe in their applications how the transportation needs of homeless students will be addressed 	Despite their need for supplemental instruction, homeless children and youth face numerous barriers to participation in the after-school programs that could help them catch up and make progress. Lack of transportation to these programs is a primary barrier. The amendments help ensure that homeless children and youth are able to participate in the 21 st Century Community Learning Centers.
Title V of ESEA	S. 2800 Amendments	Explanation
Charter Schools Section 5203(b)	<ul style="list-style-type: none"> Requires SEA applications to describe how charter schools that are considered LEAs under state law, or an LEA in which a charter school is located, will comply with the LEA requirements of the McKinney-Vento Act 	Clarification of the responsibilities of charter schools will assist the implementation of the McKinney-Vento Act, and thus help to ensure that homeless students are able to enroll, attend, and succeed in those charter schools for which they are eligible.