

Appendix B: Related Legislation



The McKinney-Vento Homeless Assistance Act is the primary piece of federal legislation dealing with the education of children and youth experiencing homelessness; however, there are other federal laws that contain important provisions regarding the education of children and youth in homeless situations.

Appendix B includes:

- Child Nutrition and WIC Reauthorization Act of 2004: Legislative excerpts and related U.S. Department of Agriculture memoranda
- Head Start Act: Excerpt from the U.S. Department of Health and Human Services Memorandum No. ACF-IM-92-12
- Individuals with Disabilities Education Act (IDEA): NCHE IDEA issue brief with legislative references and excerpts
- Runaway and Homeless Youth Act: Family and Youth Service Bureau Information Memorandum No. 1-2006
- Title I, Part A, of the No Child Left Behind Act: Legislative excerpts

Additional Resources

- **NCHE Related Legislation and Guidance webpage**; visit http://www.serve.org/nche/legis_other.php: This NCHE webpage provides links to the full text of the laws listed above and related regulations, policy guidance, and federal register notices.
- **NCHE Legislative Resources webpage**; visit http://www.serve.org/nche/legis_resources.php: This NCHE webpage provides links to resources for more information on federal laws as they relate to the education of children and youth in homeless situations.



Child Nutrition and WIC Reauthorization Act of 2004

The Child Nutrition and WIC Reauthorization Act of 2004 legislates the administration of the U.S. Department of Agriculture's school meals program and includes specific provisions for homeless, runaway, and migrant children and youth. Following are the text of the provisions of the legislation dealing with homeless, runaway, and migrant children and youth, and U.S. Department of Agriculture memoranda clarifying the implementation of these provisions.

Full Legislative Text

- The full text of the Child Nutrition and WIC Reauthorization Act of 2004 is available at http://www.fns.usda.gov/cnd/Governance/Legislation/Historical/PL_108-265.pdf.

Additional Resources

- **NCHE Information by Topic: Food and Nutrition webpage; visit http://www.serve.org/nche/ibt/aw_food.php**: This NCHE webpage provides resources and information about supporting nutrition among students experiencing homelessness. Included are links to the U.S. Department of Agriculture Child Nutrition Programs website, the Food Research and Action Center (FRAC) website, and more.



Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265)

(Excerpts related to the education of children and youth experiencing homelessness)

SEC 104. DIRECT CERTIFICATION.

“(5) DISCRETIONARY CERTIFICATION.—

“(A) IN GENERAL.—Subject to paragraph (6), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as—...

“(ii) a homeless child or youth (defined as 1 of the individuals described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2));

“(iii) served by the runaway and homeless youth grant program established under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); or

“(iv) a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).”.

SEC. 107. RUNAWAY, HOMELESS, AND MIGRANT YOUTH.

“(a) CATEGORICAL ELIGIBILITY FOR FREE LUNCHES AND BREAKFASTS.—

Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (as redesignated by section 104(a)(1) of this Act) is amended—...

“(3) by adding at the end the following:

“(iv) a homeless child or youth (defined as 1 of the individuals described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2));

“(v) served by the runaway and homeless youth grant program established under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); or

“(vi) a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399)).”.





United States
Department of
Agriculture

July 7, 2004

Food and
Nutrition
Service

SUBJECT: Duration of Households' Free and Reduced Price Meal Eligibility
Determination - Reauthorization 2004: Implementation Memo - SP 3

3101 Park
Center Drive
Alexandria, VA
22302-1500

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

The Child Nutrition and WIC Reauthorization Act of 2004 (Act) specifies that, effective July 1, 2004, households' eligibility for free and reduced price meals shall remain in effect beginning on the date of eligibility for the current school year and ending on a date during the subsequent school year, as determined by the Secretary. This provision does not apply when the initial eligibility determination was incorrect or when verification of household eligibility does not support the level of benefits for which the household was approved. In those instances, officials must make appropriate changes in eligibility. Additionally, this provision does not apply when a household is given temporary approval.

There are many provisions in the Act affecting the certification/verification process, which must be addressed through the regulatory process. However, to give school food authorities and households the advantages of this provision as quickly as possible, we are implementing this provision through this memorandum.

Beginning school year 2004-2005 and until issuance of a final regulation, school officials will determine household eligibility for free and reduced price meals in the traditional manner, at or about the beginning of the school year. Once approved for free or reduced price benefits, a household will remain eligible for those benefits for a maximum of 30 days after the first operating day in the subsequent school year or when a new eligibility determination is made in the new school year, whichever comes first. The household is no longer required to report changes in circumstances, such as an increase in income of \$50 per month (\$600 annually), a decrease in household size or when the household is no longer certified eligible for food stamps or Temporary Assistance for Needy Families (TANF).

The current free and reduced price application package includes instructions for households to report the changes in household income and household size mentioned above. We do not expect State agencies and school food authorities to make changes in their free and reduced price application materials for this school year because the enactment of this legislation is so late in the year. Any changes to the application materials now would be very burdensome to most school districts. However, school food authorities may use other means to notify households that they do not have to report changes. For example, households may be notified via the annual media/public release or notified in their notice of approval for free and reduced price school meals. The Department will revise its guidance as appropriate.

Please note that households may continue to apply for benefits any time during the school year. As noted above, this provision does not apply to households who are provided “temporary” approvals. We continue to encourage determining officials to approve households on a temporary basis when their need for assistance appears to be short-term, such as when the household reports zero income or a temporary reduction in income. A suggested time period for temporary approvals is 45 days unless otherwise stipulated by the State agency. At the end of the temporary approval, school officials must re-evaluate the household’s situation.

If you have any questions, please contact Rosemary O’Connell or Barbara Semper at 703-305-2590.



STANLEY C. GARNETT
Director
Child Nutrition Division

July 19, 2004

SUBJECT: Categorical Eligibility for Free Lunches and Breakfasts of Runaway, Homeless, and Migrant Youth: Reauthorization 2004 Implementation Memo SP 4

TO: Special Nutrition Programs

All Regions

State Agencies

Child Nutrition Programs

All States

Section 107 of the Child Nutrition and WIC Reauthorization Act of 2004 (Act) amended section 9(b) of the Richard B. Russell National School Lunch Act to make runaway, homeless and migrant children categorically eligible for free meal benefits under the National School Lunch and School Breakfast Programs and is effective July 1, 2004. In addition to establishing free meal eligibility, the Act also establishes a requirement for documenting a child's status as runaway, homeless, or migratory.

Previously, through guidance, the Food and Nutrition Service extended categorical eligibility for free school meals to children considered homeless under the McKinney-Vento Homeless Assistance Act. School officials were allowed to accept statements that children were homeless from the local educational liaison for the homeless or directors of homeless shelters where the children reside. The Act now establishes in law the categorical eligibility of these children for free school meals. Please see the previously issued memoranda of April 6, 1992, *Documentation of Free and Reduce Price Meal Eligibility for Homeless Children* and of April 4, 2002, *Updated Guidance for Homeless Children in the School Nutrition Programs*, on documentation for homeless children under McKinney-Vento.

There were, however, no similar eligibility and documentation provisions for runaway youth or migrant children. At this time, we are in discussions with the Department of Health and Human Services, regarding implementation of that portion of the Act that addresses categorical eligibility for runaway youth served through grant programs established under the Runaway and Homeless Youth Act. We hope to provide guidance in the very near future on how to determine and document if a child is receiving services as a runaway and is therefore categorically eligible for free school meals.

Regional and State Directors
Page 2

For migratory children, each State Educational Agency's Migrant Education Program establishes their own process for determining if a child meets the criteria provided under Elementary and Secondary Education Act of 1965. State Child Nutrition Agencies must contact their State Migrant Education Program to develop a plan for sharing and documenting the migratory child's eligibility for free school meals. To find the contact for your State Migrant Education Program view the following website:

- Contact Information for all State Directors of Migrant Education
<http://www.ed.gov/programs/mep/contacts.html>

If you have any questions, please contact Rosemary O'Connell or Mara McElmurray at 703-305-2590.

/S/

STANLEY C. GARNETT
Director
Child Nutrition Division



United States
Department of
Agriculture

August 16, 2004

Food and
Nutrition
Service

SUBJECT: Categorical Eligibility for Free Lunches and Breakfasts for Migrant
Children

3101 Park
Center Drive
Alexandria, VA
22302-1500

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

This memorandum supplements our Reauthorization Implementation Memo SP 4 (July 19, 2004) by providing additional information on identifying migrant children and on the procedures that school food authorities (SFAs) and local education agencies (LEAs) should use to coordinate with the Migrant Education Program (MEP) in order to document the categorical eligibility of migrant children for free meals.

Background on the Migrant Education Program

The MEP is authorized under Title I, Part C of the Elementary and Secondary Education Act (ESEA) and provides grants to State educational agencies. The State educational agency, in turn, makes sub-grants to LEAs and other entities to provide supplemental educational and support services to migrant children. A major goal of the MEP is to minimize the disruption caused by migrant children's frequent moves. While the full definition of a migrant child in section 1309 of ESEA is rather complicated, in general under this definition, a migrant child is one who has moved across school district lines, within the last three years, in order to accompany or join a parent or guardian who has moved to seek or obtain temporary or seasonal work in agriculture or fishing.

Please note, however, that it is not necessary for local SFA personnel to apply the ESEA definition because there are already State educational agency and local MEP staff who are responsible for identifying (and maintaining supporting documentation) as to who is an eligible migrant child under ESEA.

Local Level MEP Contacts

Most State educational agencies sub-grant MEP funds to local operating agencies (LOAs) to provide program services. These LOAs are typically LEAs; however, in some states, the LOAs may be regional units that administer the MEP in multiple LEAs. When an LOA/LEA receives MEP funds, a MEP coordinator is usually designated. (However, in some LEAs, a Federal program director administers multiple federal programs including the MEP). Each LEA/LOA typically identifies and recruits migrant children in their geographic area and maintains a list of eligible migrant children.

Regional Directors
State Directors
Page 2

Documenting Free Meal Eligibility for Migrant Children

SFAs/LEAs should work directly with their LOA/LEA MEP coordinators or, where appropriate, the State MEP director, to identify migrant children and to document their eligibility for free school meals. SFAs/LEAs must accept documentation that the children are migrant children from the LOA/LEA MEP coordinator.

Documentation of migrant status to substantiate free meal eligibility is a dated list with each child's name and the signature of the LOA/LEA MEP coordinator or the State MEP director. This documentation is in lieu of free and reduced price meal applications and must be sought, as much as possible, prior to a household completing an application. Once documentation is obtained, the SFA/LEA must notify the household as soon as possible about the child's free meal eligibility. Any application submitted on behalf of the child would be disregarded.

It is particularly important that newly arrived migrant children in the LEA be documented and certified for free meals as promptly as possible. SFAs/LEAs need to establish procedures with the LOA/LEA MEP coordinator to assure prompt notification when a new migrant child is identified.

Continuing Certification

Public Law 108-265 also amended the Richard B. Russell National School Lunch Act to establish that, once a child is certified as eligible to receive free or reduced price meals, eligibility remains effective for the remainder of the school year. Our policy further allows SFAs to continue a child's eligibility from the previous year for 30 operating days into the subsequent school year or until a new eligibility determination is made, whichever occurs first. Because of this and because the MEP strives to minimize a child's disruption in services and benefits, SFAs/LEAs should attempt to share the child's free meal eligibility status with the new SFA/LEA when a migrant child moves from their jurisdiction if the family knows their new location.

Please contact Rosemary O'Connell in my office if you have any questions on this guidance.

STANLEY C. GARNETT
Director,
Child Nutrition Division



United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
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22302-1500

September 17, 2004

SUBJECT: Guidance on Determining Categorical Eligibility for Free Lunches and Breakfasts for Youth Served under the Runaway and Homeless Youth Act

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

As described in our Reauthorization Implementation Memo SP 4, *Categorical Eligibility for Free Lunches and Breakfasts of Runaway, Homeless, and Migrant Youth*, issued July 19, 2004, runaway youth served through grant programs established under the Runaway and Homeless Youth Act (RHYA, Public Law (PL)108-96) are now categorically eligible for free meals in the National School Lunch and School Breakfast Programs. This memorandum is a follow up to the July 19, 2004, memorandum and provides background information on the operation of programs under the RHYA and eligibility guidance for schools and school districts.

Background on the Grant Programs Established under the RHYA

The Family and Youth Services Bureau (FYSB) is part of the Administration on Children, Youth and Families (ACYF); of the Department of Health and Human Services. FYSB supports local communities in providing services and opportunities to young people, particularly runaway and homeless youth. FYSB does so by awarding funding that enables community agencies to offer services to young people and their families and to test new approaches to helping youth. FYSB promotes and supports youth through its three grant programs: Basic Center Program, Transitional Living Program and the Street Outreach Program. The agencies receiving grants under these three programs are referred to as either FYSB grantees, or Runaway and Homeless Youth (RHY) service providers.

FYSB works through ten ACF regional offices located throughout the country; each region has a Regional Youth Specialist to serve the States, territories, tribes and other grantees in their geographical area. The Regional Youth Specialists are given broad flexibility in guiding the programmatic and financial management of FYSB programs.

The 2003 Reauthorization of the Runaway and Homeless Youth Program directed FYSB to coordinate with school district liaisons under the McKinney-Vento Homeless Assistance Act to assure that RHY are provided information about the educational services available to them and to ensure they receive support services guaranteed under the law.

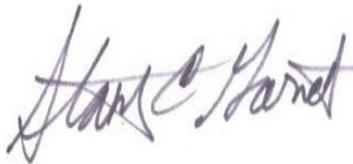
In order to better advance FYSB's directive on coordination with McKinney-Vento school district liaison, they are developing an informational memorandum for their grantees that offers suggestions on how to build stronger relationships with the liaisons and offers available resources. We will share their memorandum as soon as it becomes available.

Documenting Eligibility

The systems for coordination of information about RHY can vary from State to State and even across districts depending on the relationship between the McKinney-Vento school district liaison and the RHY service provider, and the size of the RHY caseload. In many cases, the McKinney-Vento school district liaison is already working with youth receiving services under the RHY grant programs. In these cases, school districts will be notified of a child's status as a runaway through the existing liaison channels. In some cases, schools may receive information on a youth's participation in a RHY Program directly from the RHY service provider. Documentation to substantiate free meal eligibility must consist of the youth's name, or a list of names, effective date(s), and the signature of the McKinney-Vento school district liaison or the RHY service provider(s). This documentation is acceptable in lieu of a free and reduced price meal application.

It is important that schools/school districts become familiar with their local RHY service providers and their McKinney-Vento school district liaison in order to facilitate the service of free school meals for youth in these programs. Should you have questions regarding the operation of FYSB, please contact your Regional Youth Specialist. The website for the regional offices is www.acf.dhhs.gov/programs/oro/. For further information on FYSB you may want to view their web site at: <http://www.acf.hhs.gov/programs/fysb/index.html>.

Please contact Mara McElmurray or Rosemary O'Connell of my office if you have any questions on this guidance.



STANELY C. GARNETT
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Head Start Act

The Head Start Act legislates the administration of the federal Head Start program, which serves the child development needs of preschool children (birth through age five) and their low-income families. Following is the Head Start Bureau 1992 memorandum on serving homeless preschoolers. This memorandum establishes homeless preschoolers as a targeted population to be served in Head Start preschool programs and suggests implementation strategies for ensuring that homeless preschoolers have access to Head Start services.

Full Legislative Text

- The full text of the Head Start Act is available at <http://www.acf.hhs.gov/programs/hsb/budget/index.htm>.

Additional Resources

- **NCHE Information by Topic: *Preschool/Early Childhood* webpage; visit http://www.serve.org/nche/ibt/sc_preschool.php:** This NCHE webpage provides resources and information about educating and supporting young children experiencing homelessness.



ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	Log No. ACF-IM-92-12	Issuance Date: 06/05/92
	Originating Office: Head Start Bureau	
	Key Word: Homeless Children and Families	

INFORMATION MEMORANDUM

TO: All Head Start Grantees and Delegate Agencies

SUBJECT: Homeless Children and the Head Start Program

PURPOSE: To provide guidance to Head Start agencies to foster the recruitment and enrollment of homeless children and their families into the Head Start Program.

BACKGROUND: The Head Start Program is based on the premise that all children share certain needs, and that children of low-income families can benefit from the delivery of comprehensive developmental services to meet those needs. Homeless children are particularly vulnerable and need the services that a Head Start program can offer. Secretary Sullivan has challenged the Department to improve children in homeless families, which includes ensuring that Head Start is accessible and responsive to homeless children and their families.

In response to this challenge, the Head Start Bureau, in its most recent funding guidance, encourages local Head Start grantees to target homeless families wherever possible. In keeping with the philosophy of the Head Start program to adapt to the changing needs of its clientele, the first section of this memorandum provides an overview of Head Start's experience with homeless children and families as well as guidance on how to modify the Head Start program in order to effectively serve this population. The second section discusses concerns identified in a recent study conducted by Macro Systems, Inc. (1991) surrounding issues related to access to Head Start for the homeless.

INFORMATION: Being a parent and being homeless is a double challenge. Head Start can build on the strengths of these families - such as their intense desire to make a better life for their family and their commitment to and love for their children - and enable the parents(s) to increase their capacity to nurture, protect and provide for their children.

A homeless family in Head Start could be a single parent or a two-parent family, living in a rural or an urban setting. While the homeless and the housed low-income share some of the same characteristics and problems, the homeless child and family are faced with additional stresses such as losing their former community and living in a crowded shelter with little privacy, in a single motel room, or in a car. This shelter may be located far from their former home, or in a noisy, drug-infested environment, and the child may have no space to play, have lost his/her toys, books, and clothes and have no access to regular meals. Being homeless is arduous for the whole family and, unfortunately, has serious consequences for young children.

The research on the affect of homelessness on preschoolers documents the negative consequences of this condition. Homeless preschoolers are more likely to have a developmental delay in language, motor development and/or social skills (Basuk and Rubin, 1987; Koblinsky and Taylor, 1991); exhibit more aggression, shyness or sleep problems (Reinherz and Cracey, 1982; Basuk and Rubin, 1987); exhibit behaviors that warrant mental health intervention (Basuk et al., 1986, Molnar et al., 1991); have lower self-concept (DiBiase and Waddell, 1991); and show an unusual degree of ambivalence in relationships with their mothers (Phillips and Hartigan, 1984; Molnar, 1988.)

Given these problems, preschool is especially significant for the homeless child - in many cases, Head Start can offer the stability and supports needed for a child to cope with his or her situation. Research also demonstrates the importance of early childhood education for homeless children. Koblinsky and Taylor (1991) found that the more months that homeless children had attended preschool, the better they performed on the Early Screening Inventory (ESI). Molnar et al. (1991) also found that children with as little as three months of Head Start or publicly-funded daycare exhibited more age-appropriate performance on developmental tasks than children who did not have the opportunity for preschool enrollment in Head Start or publicly-funded daycare.

1. THE HEAD START EXPERIENCE AND GUIDANCE

Many Head Start agencies have already begun to serve homeless families in a variety of ways. There are both home based programs that serve families in shelters as well as center-based programs that have classrooms with both homeless and non homeless children. In the 1991 Program Information Report (PIR), 541 agencies responded that, in some manner, homeless children were being served. In addition, the Migrant Head Start program has had years of experience in working with migrant children and families. Working with migrant families poses many of the same challenges to Head Start as working with homeless families, such as issues of mobility, attendance, and medical needs. Thus, this model can offer insight into these areas for other Head Start program.

Head Start agencies relate that homeless children have one or more of the following characteristics: developmental delays; poor self-esteem; anxieties around food and possessions; behaving in an overly compliant manner with any adult person, thus making the child vulnerable to abuse; overly aware of parental responsibilities and problems; depression; and not displaying normal reactions to change. Grantees also report that homeless children were more likely that their peers to be in ill health and under immunized.

Most homeless parents have an intense desire to make life better for their families. In addition, they are committed to their children, and to maintaining the sense of family. Their efforts to achieve all this can be overwhelming to the parents and, as a result, they may have little energy to focus on the particular needs of the child. Some parents may be depressed, overly dependent on the child, or not understand the importance of an early childhood program. Other parents take their frustration out on the Head Start staff. In most cases, it will take time to develop trust and build a relationship with the parent.

The duration of a family's homelessness depends primarily on the availability of low cost housing, jobs and services for the family. Thus, for some families, a permanent home may be found quickly. Other families may move from shelter to shelter or

move back with friends or relatives before finding a home. Whatever the situation, Head Start needs to support the family during the period of homelessness, through the transition to permanent housing and after the family is housed.

Based on various Head Start grantees' experiences with homeless children, the migrant model, the current research, and the philosophy of Head Start program to adapt to the changing needs of its clientele, the following guidance is offered for working with this special population:

Strong support for the staff: Working with homeless children is difficult, even for the most skilled teachers and home visitors. The basic human desire is to eliminate all of the pain that the child has experienced. While this is a worthy goal, it is not realistic. In addition, working with parents who may not be able to be fully involved in their child's life adds to this frustration. However, setting achievable goals, i.e., providing each child (and parent) with positive experiences, and providing training and support to staff will help them in their work.

Strong mental health component: In addition to the staff, the children and the parents may have intense mental health needs. It is necessary to have the services of a mental health professional who can address the particular needs of staff, children and parents, or make arrangements with the local mental health agency for assistance. This will assure less staff burnout and better services to children and families caught in a transitory life.

Provide a safe, reassuring environment through a structured daily environment: The preschool classroom may be the only source of stability for the homeless child. To achieve this type of environment, reduce levels of stimulation in the room(s). Maintain a simple schedule for the children so each child knows what to expect throughout the day. Limit the choices (not the quantity) of toys and activities the children have, and introduce new toys gradually over the year. Plan for smaller class sizes in order for the children to receive more individual attention, and/or use more volunteers sensitive to the characteristics and needs of homeless children. Use volunteers to form smaller groups within the larger classroom or for one-on-one attention. Allow for personal areas for each individual child so that every child has a private space. These personal areas could be a cubicle or a box, decorated by the child with his or her name. Set up a quiet area for those children who may need to rest or need some privacy during the day because of all the anxiety in their life.

Meal times can be stressful for homeless children. Keep reassuring the children, they will get enough to eat. The Santa Clara county, California grantee has a small refrigerator in the classroom with finger foods that is available to the children to help themselves throughout the day. This can be seen as a mental health response in addressing anxieties about food.

Flexibility: While it is important to have structure for these children, flexibility needs to be built into the schedule because of the nature of homelessness. For example, programs working with homeless children must deal with children leaving unexpectedly, which is difficult to understand for both children and staff. The staff will need to incorporate activities into the schedule to help the children cope when this happens. The Beverly, Massachusetts grantee has developed a special goodbye routine which includes a song, book and discussion that is used to help the children understand this process.

Transportation: The Head Start agency should offer transportation services to its homeless families to ensure access to the program. This transportation is important to keep the child in Head Start, particularly if the child's living arrangement is unstable and the family is moved around in the search for permanent housing. It is very important to try to track and keep the child in the same Head Start program so that the child has some stability/continuity in his/her life. In addition, some Head Start agencies working with the homeless have used the transportation system to help families with food shopping and appointments with social service agencies or medical providers.

Collaborate with the community: Working with other Community and State agencies and resources are a critical role for Head Start grantees working with the homeless. In fact, it is important to recognize that the Head Start agency alone cannot address all the problems of homeless families. By teaming with other service agencies within the community, Head Start grantees can help make the community aware of the problem, participate in the solution, and offer comprehensive assistance. For example, establishing relationships with shelters/transitional housing will assist the Head Start agency with recruitment, understanding the homeless population in the particular area and the coordination of services. Strengthening the connection with the local JOBS, JTPA and literacy agencies will support the family. Working with the local housing coalition can also assist in creating affordable housing for Head Start families. To assist the grantee in establishing these linkages, an attachment has been prepared on federally supported programs for the homeless.

Parental responsibilities/involvement: The philosophy of Head Start is that the parents, even parents who are homeless, are the primary nurturers and teachers of their children. The Head Start staff should focus and build on the family's strengths, and enable the parents to build their capacity to cope with their life stresses. As a result of this support, the parents will be better able to nurture their children. In addition, the Social Services Coordinator, and Home Visitor in the home based option, should play an important role in advocating for the family and connecting them with needed services.

To further the parents' development, it is important to emphasize to them the importance of their participation in activities which will enable them to better nurture and protect their children, such as health, nutrition and education. To increase participation, it is important to design the activity around the parents' most pressing needs which may include issues of self-esteem, empowerment, and how to set and meet personal goals. The Head Start agency should also time the activity when the homeless parents will be most able to participate. The Conway, Arkansas migrant grantee developed a survey to determine the parents' needs and arrange monthly meetings based on this feedback. Some grantees meet around a meal, while others offer "door" prizes such as bus tokens, calendars and other simple, but useful items to encourage attendance. Other grantees have established parent support groups for their homeless parents. Homeless parents also need to be involved in the decision making process. This means that homeless parents should be represented on Policy Councils and their needs and concerns reflected in the daily operation of the Head Start program. The Head Start staff may need to provide special efforts in order to enable these parents to be involved such as providing transportation; finding another parent who will be a "mentor" or "buddy"; providing extra support and encouragement; and offering child care.

Make health screenings a priority for homeless families: Head Start grantees report that homeless children are under immunized and not as healthy as their peers. The lack of immunization or documentation can delay the child from actually attending the program. In the Gladstone, Oregon migrant grantee, immediate medical screenings are made a priority because of the mobility of the families. Staffs refer the family as soon as they are enrolled to a local provider for the medical appointment and provide transportation. If there are still children who have not been screened, the grantee brings medical personnel to the center. This is an ongoing activity.

Flexible hours of operation: For those agencies that operate some classrooms in which all children are homeless, the days and hours of operation should be tailored to meet their specific needs. For example, a Washington, D.C. grantee found that having early morning programs did not work for the homeless families. Because of the active night life of the motel where they were housed, the morning hours were typically the time, the children slept.

Plan for a “mixed” classroom: Since Head Start programs should not be establishing classrooms exclusively for homeless children, it is likely that there may be a few homeless children in several classrooms. Having both homeless and non homeless children in the classroom or group socialization experience will provide some stability for the program, and having both groups in a program will contribute to everyone’s opportunity to learn. Thus, it is important for all staff to understand how homelessness affects preschoolers, that these children and parents will need extra support, and what resources are available in the community to assist them.

2. CONCERNS RELATED TO ACCESS TO HEAD START FOR THE HOMELESS

Under a contract with the Department of Health and Human Services, Macro Systems, Inc. examined the service system for homeless families and children and conducted site visits in five cities. One result of this study was the identification of perceived barriers to Head Start for homeless families. This section clarifies the Head Start policy in regard to these concerns.

Average Daily Attendance: Many grantees are reluctant to serve homeless children because they believe that every program must maintain an 85% average daily attendance (ADA), which may be difficult when serving homeless children.

Response: This is an incorrect interpretation of Head Start policy. The policy states that, when the ADA drops below 85%, the Head Start program must analyze the causes of absenteeism, and initiate action based on the results of the analysis. The policy also differentiates between an “excused” absence and an “unexcused” absence. An excused absence, such as an illness, does not require any special intervention. However, if it is an unexcused absence, such as one resulting from a familial problem like homelessness, the agency must institute appropriate family support for all children and families with three or more consecutive unexcused absences. Thus, the policy concerning 85% ADA is a management tool to assist the staff to investigate why children are not attending the program and, where necessary, provide support to the family to enable the child to be present. There is no requirement that 85% ADA must be maintained.

Health Screenings: Similar to the misunderstanding regarding ADA, there is a belief in some programs that if health screenings and follow-up are not provided to all enrolled homeless children, funding will be denied.

Response: Since homeless children are with the program for varying lengths of time and can be difficult to track, all of these children may not receive complete health screenings and follow-up services before they move on. This does not result in the program being out of compliance with the Performance Standards if every effort was made to provide services to the child while enrolled in the program, attendance was encouraged and supported and, where possible, efforts were made to link the family with other Head Start agencies or preschool programs in the area of their new home. The Regional Offices need to be kept apprized of these types of situations and provided with information in an ongoing, timely manner.

Recruitment: The issue of recruitment has been a problem among homeless families, either because homeless families are not readily identified through the recruitment activities that grantees normally undertake or because grantees elect not to give homeless families that are identified priority for enrollment because the grantees feel they will be more difficult to serve.

Response: Recruitment must be an ongoing activity to assure that vacancies are filled promptly. This is particularly important when working with homeless children and families because of their transient nature. In addition, Head Start recruiters should not accept or reject a family solely on the recruiter's judgement of the likelihood of the child's attendance.

In order to recruit homeless children, the Head Start agency should contact staff at the local shelter, transitional housing facility, motel and any other agency that serves homeless families as well as visit places where homeless families are found in the community. In addition, the Head Start agency must be sensitive to cultural, ethnic and language differences when recruiting homeless families, and should provide training to any staff involved in recruiting. Understanding this population and developing relationships with homeless providers will assist the Head Start agency to serve some of the neediest families in the community.

Waiting Lists: Long waiting lists were cited as a barrier to serving homeless families and children. In some cases, if a family becomes homeless during the year and the child is not already on the waiting list, the child may not have access to a Head Start program.

Response: Head Start agencies are expected to manage their waiting list throughout the year and place children on the list based on the priorities set by their Policy Council and Board of Directors as identified through the community needs assessment. (This assessment is to be reviewed annually.) Thus, it is critical when conducting the Community needs assessment to look at the problem of homelessness in the grantee's service area and to make it a priority for recruitment if a high incidence of homelessness in the community is determined.

To meet the needs of homeless families in the community, some Head Start agencies reserve slots for homeless children, set a percentage of slots for the homeless or give priority to these children when a space becomes available.

Full Day/Full Year Services: The lack of full day, full year services is a frequently mentioned barrier for homeless families since some homeless families need quality care for their children while they search for housing or a job, go to work or visit social service agencies.

Response: The policy of Head Start is that a grantee may provide full-day services to those children who need such services. This includes children with special needs, who are from homes where there is severe stress, and where the parent is employed, in job training or in school. Head Start funds can only be used when there are no other funds available in the community to meet the full day needs of Head Start families, and where there are no services available.

Transportation: The lack of transportation has been cited as a barrier to the homeless in receiving services and in accessing the Head Start program.

Response: Many Head Start grantees already provide transportation for their children. For those grantees which do not provide transportation and would like to serve the homeless population, the grantee should plan to provide transportation and would like to serve the homeless population, the grantee should plan to provide transportation for the children to ensure regular attendance. The Head Start agency should investigate whether other existing transportation systems, such as the public school system, can be utilized to meet this need.

Costs: Serving homeless children and families may be more costly due to their greater mental health, social services, transportation and medical needs.

Response: Homeless children may need to be in a classroom with fewer children or require special services. The child and the family may need more individualized services which may mean bringing on new staff or training staff to develop stronger case management skills. In addition, the staff may need extra support in their work with homeless families since staff burn out is frequently reported by grantees. Collaborating with other agencies or professionals in the provision of services may keep costs down and provide much needed services. When this is not possible or services are not available through community/public agencies, higher costs are acceptable as long as the grantee can provide sufficient justification in its application.

In some cases, programs may wish to consider serving fewer children in order to meet higher costs. Such changes should be discussed with the program's Regional Office. In addition, programs should consider using the Quality Improvement Funds to address such costs.

Conclusion: Head Start is committed to meeting the needs of homeless children and families. Homeless children can and are benefitting from the Head Start experience. Their lives, and the lives of the other children and the staff. It is hoped that this guidance, the attached references and the federally supported homeless program listings as well as the knowledge already gained from the Head Start community will provide other Head Start agencies with the resources and support necessary to serve this special population.

Wade F. Horn, Ph.D.

Individuals with Disabilities Education Act (IDEA)

The Individuals with Disabilities Education Act (IDEA) is a federal law whose purpose is to improve the education of infants, toddlers, children, and youth with disabilities, including those experiencing homelessness. Following is the NCHE IDEA issue brief with legislative references and excerpts of the portions of the law that pertain to the education of students experiencing homelessness.

Full Legislative Text

- The full text of the Individuals with Disabilities Education Act (IDEA) is available at <http://www.ed.gov/policy/speced/guid/idea/idea2004.html#law>.

Additional Resources

- **NCHE Information by Topic: *Special Education* webpage;** visit http://www.serve.org/nche/ibt/sc_spec_ed.php: This NCHE webpage provides resources and information about educating young children with disabilities who are experiencing homelessness.



Individuals with Disabilities Education Improvement Act (IDEA) of 2004: Provisions for Homeless Children and Youth with Disabilities



Over 1.35 million children and youth experience homelessness each year (Burt & Laudan, 2000). These children and youth face educational challenges that include a lack of basic necessities, such as food, clothing, and medical services; discontinuity of education due to mobility; and trauma caused by the chaos, poverty, and instability of their family's circumstances or, in the case of unaccompanied youth, their own circumstances.

Children and youth who are homeless face additional educational challenges when they have disabilities. Studies indicate that children who are homeless are twice as likely to have learning disabilities and three times as likely to have an emotional disturbance as children who are not homeless (Better Homes Fund, 1999).

Yet children and youth who are homeless and have disabilities may not receive the special education services for which they are eligible. Barriers to access these children and youth face include:

- Not being identified as needing special education services
- Difficulty with diagnosis due to mobility and other stressors
- Lack of timely assessment, diagnosis, or service provision
- Lack of continuity of services due to school transfers
- Lack of timely or efficient records transfer when enrolling in a new school
- Lack of an available parent or surrogate to represent the child or unaccompanied youth

Federal Response

Two federal laws that address the needs of homeless children and youth with disabilities are the McKinney-Vento Homeless Education Assistance Improvements Act and the Individuals with Disabilities Education Improvement Act (IDEA).

The McKinney-Vento Homeless Education Assistance Improvements Act

The McKinney-Vento Act, reauthorized in 2002 as part of the No Child Left Behind Act, ensures access to a free, appropriate public education (FAPE) for children experiencing homelessness. (See the sidebar for the definition of "homeless children and youth".)

The McKinney-Vento Act mandates:

Who is Homeless?

(McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C, of the No Child Left Behind Act – Sec 725)

The term "homeless children and youth"—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- B. includes —
 - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - ii. 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...
 - iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - iv. migratory children...who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

- Immediate school enrollment and full participation in all school activities for eligible children, even when records normally required for enrollment are not available [Sec. 722(g)(3)(C)]
- The right of children and youth experiencing homelessness to remain in their school of origin (the school the student attended when permanently housed or the school in which the student was last enrolled) [Sec. 722(g)(3)(A)]
- Transportation to the school of origin [Sec. 722(g)(1)(J)(iii)]
- Access to programs and services, including special education services, preschool services, free school meals, Title I services, services for English language learners, vocational/technical education, gifted and talented services, and before- and after-school care [Sec. 722(g)(4)]
- The appointment of a local homeless education liaison in every school district to ensure that homeless children and youth are identified and given full and equal access to all educational services for which they are eligible in order to succeed in school [Sec. 722 (g)(6)(A)]

The Individuals with Disabilities Education Improvement Act

The purpose of IDEA, amended in 2004, is to ensure that all children with disabilities receive a FAPE, including special education and related services, to prepare them for further education, employment, and independent living [Part A, Sec. 601(d)(1)(A)]. Special education is defined as specially designed instruction, provided at no cost to the parents, to meet the unique needs of a child with a disability [Part A, Sec. 602(29)]. (See the sidebar for the definition of “child with a disability.”)

To be eligible, the child must have a disability and require specialized instruction to benefit from school. Special education instruction may take place in a general education classroom, special education classroom, specialized school, home, hospital, or institution [Part A, Sec. 602(29)(A)] and may include academic or behavioral support, speech and language pathology services, vocational education, and many other services. Related services may include transportation, physical therapy, psychological services, social work services, and counselling. Also included are certain medical services, parent counselling and training, recreation, and other support services if students need them to benefit from a special education program [Part A, Sec. 602(26)]. Eligibility and services are determined through evaluation and the development of an Individual Education Plan (IEP) [Part A, Sec. 614(d)]. Students who have not graduated from high school are eligible through age 21 [Part A, Sec. 612(a)(1)(A)]. Services are available to individuals with disabilities beginning at birth through Part C, Infants and Toddlers. Children under three are served under an Individualized Family Services Plan (IFSP) [Part C, Sec. 636].

Federal Guarantees for Children Who are Homeless and Have Disabilities

The McKinney-Vento Act and IDEA mandate protections and services for children and youth who are homeless and children and youth with disabilities. Moreover, both the McKinney-Vento Act and IDEA address serving children and youth who are homeless and have disabilities, ensuring that their complex and unique needs are met.

In reviewing the needs of homeless children and youth with disabilities, educators should bring to bear the full range of both laws to optimize the educational access and success of these children. It is important to note that the two laws do not operate exclusively of one another, nor does one law supersede the other.

The 2004 reauthorization of IDEA in particular includes amendments that reinforce the timely assessment, appropriate service provision and placement, and continuity of services for children and youth with disabilities who experience homelessness and high mobility. Coordination and compliance with the McKinney-Vento Act are mandated specifically. The general requirements for a FAPE, evaluations, and IEPs are unchanged.

Following is a listing of the amendments in the reauthorized IDEA and implementing regulations from the U.S. Department of Education as related to the education of homeless children and youth with disabilities, pointing out the changes from prior law.

Definitions

- IDEA now mentions specifically and observes the McKinney-Vento definition of “homeless children and youth”.¹
- The definition of “parent” has been changed, so that the statute now contains a similar definition to that contained in the federal regulations since 1999, with the notable addition of foster parents to the list of persons considered to be “parents.” For the purpose of special education, “parents” now include biological, adoptive or foster parents, guardians, surrogate parents, individuals legally responsible for the child’s welfare, or individuals acting in the place of a parent and with whom the child lives (specifically including grandparents, stepparents or other relatives).²
- IDEA now contains a definition of “ward of the state.”³

Identification

- The Child Find requirements in the statute now include a specific requirement that states ensure that homeless children with disabilities are identified, located, and evaluated. (This requirement has been in federal regulations since 1999.)⁴

Coordination/Compliance with the McKinney-Vento Act

- Any state receiving IDEA funds must ensure that the requirements of the McKinney-Vento Act are met for all homeless children and youth with disabilities in the state.⁵
- IDEA requires every state receiving IDEA funds to maintain a State Advisory Panel to advise the State Educational Agency (SEA) on unmet needs in the state; to comment publicly on proposed rules and regulations; to advise the SEA on self-evaluation, data reporting and ensuring compliance; and to improve service coordination. IDEA now requires states to include state and local McKinney-Vento personnel on the Panel, as well as a representative of the state child welfare agency responsible for foster care.⁶

Evaluations and IEPs

- IDEA now requires Local Educational Agencies (LEAs) to complete initial special education evaluations within 60 days of a parent’s request, or within time frames established by the state.⁸
- IDEA now specifically requires LEAs to ensure that assessments of children who change LEAs during the school year are coordinated with prior schools “as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.”⁸
- IDEA states specifically that the same time frame for completing initial evaluations applies if a

child changes LEAs while the evaluations are pending, unless the new LEA “is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and LEA agree to a specific time when the evaluation will be completed.”⁹

- When children with current IEPs change LEAs during the school year, the new LEA is now specifically required to provide the children with a FAPE immediately, “including services comparable to those described” in the previous IEP, in consultation with the parents. The LEA can then either adopt the old IEP or implement a new IEP. If the LEA is in a new state, the LEA can conduct new evaluations, if determined necessary, and develop a new IEP; but the LEA must still provide a FAPE, including services comparable to those described in the previous IEP, until the evaluations are completed and the new IEP is implemented.¹⁰
- To facilitate the provision of a FAPE for students who change LEAs during the school year, IDEA now specifically requires enrolling schools to obtain the child’s records from the previous school promptly, and previous schools to respond to such records requests promptly.¹¹

Unaccompanied Youth

- IDEA now requires each public agency to ensure that the rights of unaccompanied homeless youth are protected.¹²
- The definition of “parent” includes individuals acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives. The regulations specify that “include” means that the items named are not all of the possible items that are covered, whether like or unlike the ones named. Thus, both relatives and non-relatives of unaccompanied homeless youth may be considered a parent if they are acting in the place of a biological or adoptive parent and the youth is living with them.¹³
- For unaccompanied youth, IDEA specifically requires LEAs to appoint surrogate parents, and to make reasonable efforts to complete the appointment process within 30 days.¹⁴ In the interim, LEAs are to appoint temporary surrogate parents for unaccompanied youth. Temporary surrogates may be appropriate staff members of emergency shelters, transitional shelters, independent living programs, street outreach programs, the State, the LEA, or another agency involved in the education or care of the child, as long as the staff member has adequate knowledge and skills and does not have a personal or professional interest that conflicts with the interest of the youth.¹⁵
- For wards of the state, IDEA now does not require an LEA to obtain parental consent for an initial evaluation, if the LEA cannot find the parent, the parent’s rights have been terminated, or a judge has removed the parent’s educational decision-making rights and appointed another person to represent the child.¹⁶
- For wards of the state, IDEA now explicitly permits judges to appoint surrogate parents.¹⁷

Services

- IDEA now allows LEAs to use up to 15% of their grants to develop and implement programs to intervene with K-12 students who have not been found eligible for special education but who need additional academic and behavioral support, with an emphasis on primary grades.¹⁸ (This provision should assist children experiencing homelessness with overcoming barriers to accessing services expeditiously.)

Resolution of Disputes

- When requesting a mediation or due process hearing under IDEA, families and youth experiencing homelessness do not need to provide a residential address; only available contact information is required.¹⁹

Infants and Toddlers (Part C)

- Any state receiving a Part C grant must make early intervention services available to homeless infants and toddlers with disabilities and their families.²⁰
- States must ensure that appropriate early intervention services using scientifically based research are available, to the extent practicable, to homeless infants and toddlers with disabilities and their families.²¹
- States must ensure the meaningful involvement of homeless families and wards of the state in the planning and implementation of the Part C program.²²
- In the report accompanying Part C, Congress stated that states should conduct public awareness programs about the Part C program in homeless family shelters, health service offices, public schools and the child welfare system.²³
- Any state receiving a Part C grant must establish a State Interagency Coordinating Council, which must include a representative of the State McKinney-Vento Coordinator and the state child welfare agency responsible for foster care.²⁴

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Special Education Agencies

- Council for Exceptional Children (CEC): <http://www.cec.sped.org>
- IDEA Partnerships: <http://www.ideapractices.org>
- National Association for State Directors of Special Education: <http://www.nasdse.org>
- U.S. Department of Education Office of Special Education Programs: <http://www.ed.gov/offices/OSERS/OSEP>

National Partners in Homeless Education

The National Center for Homeless Education (NCHE)

Contact: Diana Bowman, Director, 800-755-3277, dbowman@serve.org

Web Address: <http://www.serve.org/nche>

NCHE, funded by the U.S. Department of Education, is a national resource center, providing valuable information, training, and materials to educators and community members seeking to address the educational needs of homeless children and their families. These materials are made available to the public at no charge and include such items as educational rights posters, parent packs, training resources, and homeless education issue briefs.

U.S. Department of Education, Education for Homeless Children and Youths Program

Contact: Gary Rutkin, Coordinator, 202-260-4412, gary.rutkin@ed.gov

Web Address: <http://www.ed.gov/programs/homeless/index.html>

The Education for Homeless Children and Youths Program oversees the education of homeless children and youth in our nation's public schools, including the granting of McKinney-Vento funds and the monitoring of their usage. Program Coordinator Gary Rutkin, working with other U.S. Department of Education officials and national partners, provides official guidance to states and school districts on implementing the McKinney-Vento Homeless Education Assistance Improvements Act.

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

Contact: Barbara Duffield, Policy Director, 202-364-7392, bduffield@naehcy.org

Web Address: <http://www.naehcy.org>

NAEHCY, a national grassroots membership association, serves as the voice and social conscience for the education of children and youth in homeless situations. NAEHCY brings together educators, parents, advocates, researchers and service providers to ensure school enrollment and attendance, and overall success for children and youth experiencing homelessness. NAEHCY accomplishes this through advocacy, partnerships, and education. NAEHCY also hosts an annual national conference on homeless education, which brings together educators and service providers to learn about best practices and new developments within the field.

The National Law Center on Homelessness & Poverty (NLCHP)

Contact: Joy Moses, Education Staff Attorney, 202-638-2535, jmoses@nlchp.org

Web Address: <http://www.nlchp.org>

NLCHP's mission is to prevent and end homelessness by serving as the legal arm of the nationwide movement to end homelessness. To achieve its mission, NLCHP pursues three main strategies: impact litigation, policy advocacy, and public education. NLCHP strives to place homelessness in the larger context of poverty. By taking this approach, NLCHP aims to address homelessness as a very visible manifestation of deeper causes: the shortage of affordable housing, insufficient income, and inadequate social services. NLCHP provides guidance and produces high-quality publications on legal issues pertaining to homelessness and poverty.

The National Network for Youth (NN4Y)

Contact: Bob Reeg, Director of Public Policy, 202-783-7949 x3109, bob.reeg@verizon.net

Web Address: <http://www.nn4youth.org>

NN4Y is the leading advocacy organization for runaway and homeless youth. NN4Y seeks to promote opportunities for growth and development for youth who face greater odds due to abuse, neglect, family conflicts and disconnection from family, lack of resources, discrimination, differing abilities, or other life challenges. NN4Y achieves this through advocacy on national policy related to at-risk youth, and through the provision of training, technical assistance, consultation services, and publications on the issue of supporting and protecting at-risk youth.

This brief was developed by:

National Center for Homeless Education (NCHE)
800-308-2145 (toll-free HelpLine)
<http://www.serve.org/nche>

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NCHE is supported by the U.S. Department of Education
Student Achievement and School Accountability Programs.

Every state is required to have a State Coordinator for the Education of Homeless Children and Youth, and every school district is required to have a local homeless education liaison. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the

NCHE website at *<http://www.serve.org/nche>*.



For further information on the McKinney-Vento Act and resources for implementation, call the NCHE HelpLine at 800-308-2145 or e-mail *homeless@serve.org*.



Local Homeless Education Liaison:

Endnotes

¹ “HOMELESS CHILDREN.—The term ‘homeless children’ has the meaning given the term ‘homeless children and youths’ in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).”
Section 602(11); 34 C.F.R. §300.19

² “PARENT.—The term ‘parent’ means—
(A) a natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent);
(B) a guardian (but not the State if the child is a ward of the State);
(C) an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or
(D) except as used in sections 615(b)(2) and 639(a)(5), an individual assigned under either of those sections to be a surrogate parent.”

Section 602(23)

“(a) Parent means—

- (1) A biological or adoptive parent of a child;
 - (2) A foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent;
 - (3) A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
 - (4) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or
 - (5) A surrogate parent who has been appointed in accordance with section 300.519 or section 639(a)(5) of the Act.
- 34 C.F.R. §300.30

³ “WARD OF THE STATE.—

(A) IN GENERAL.—The term ‘ward of the State’ means a child who, as determined by the State where the child resides, is a foster child, is a ward of the State, or is in the custody of a public child welfare agency.

(B) EXCEPTION.—The term does not include a foster child who has a foster parent who meets the definition of a parent in paragraph (23).”

Section 602(36); 34 C.F.R. §300.45

⁴ “(a) IN GENERAL.—A State is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions:...

(3) CHILD FIND.—

(A) IN GENERAL.—All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.”

Section 612(a)(3)(A); 34 CFR §300.111

⁵ “(a) IN GENERAL.—A State is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions:...

...(11) STATE EDUCATIONAL AGENCY RESPONSIBLE FOR GENERAL SUPERVISION.—

(A) IN GENERAL.—The State educational agency is responsible for ensuring that—...

(iii) in carrying out this part with respect to homeless children, the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) are met.”

Section 612(a)(11)(A)(iii); 34 CFR §300.149(a)(3)

⁶ “(a) IN GENERAL.—A State is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions:...

...(21) STATE ADVISORY PANEL.—

“(A) IN GENERAL.—The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

(B) MEMBERSHIP.—Such advisory panel shall consist of members appointed by the Governor, or any other official

authorized under State law to make such appointments, be representative of the State population, and be composed of individuals involved in, or concerned with, the education of children with disabilities, including—

...(v) State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.);

...(x) a representative from the State child welfare agency responsible for foster care; ...

(D) DUTIES.—The advisory panel shall—

(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;

(ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

(iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

(iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

(v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.”

Section 612(a)(21); 34 CFR §300.167, §300.168(a)(5), §300.169

⁷ “EVALUATIONS, PARENTAL CONSENT, AND REEVALUATIONS.—

(1) INITIAL EVALUATIONS.—

...(C) PROCEDURES.—

(i) IN GENERAL.—Such initial evaluation shall consist of procedures—

(I) to determine whether a child is a child with a disability (as defined in section 602) within 60 days of receiving parental consent for the evaluation, or, if the State establishes a timeframe within which the evaluation must be conducted, within such timeframe; and

(II) to determine the educational needs of such child.”

Section 614(a)(1)(C)

“The initial evaluation—

(1) Must be conducted within 60 days of receiving parental consent for the evaluation; or

(2) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe....”

34 CFR §300.301(c)

⁸ “(b) EVALUATION PROCEDURES.— ...

...(3) ADDITIONAL REQUIREMENTS.—Each local educational agency shall ensure that—...

(D) assessments of children with disabilities who transfer from 1 school district to another school district in the same academic year are coordinated with such children’s prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.”

Section 614(b)(3)(D)

“Each public agency must ensure that—

(5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children’s prior and subsequent schools, as necessary and as expeditiously as possible, consistent with section 300.301(d)(2) and (e), to ensure prompt completion of full evaluations.”

34 CFR §300.304 (c)(5)

⁹ “EXCEPTION.—The relevant timeframe in subparagraph (i)(I) shall not apply to a local educational agency if—

(I) a child enrolls in a school served by the local educational agency after the relevant timeframe in clause (i)(I) has begun and prior to a determination by the child’s previous local educational agency as to whether the child is a child with a disability (as defined in section 602), but only if the subsequent local educational agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent local educational agency agree to a specific time when the evaluation will be completed.”

Section 614(a)(1)(C)(ii)

“(d) Exception. The time frame described in paragraph (c)(1) of this section does not apply to a public agency if—

...(2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child’s previous public agency as to whether the child is a child with a disability under section 300.8.

(e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.”

34 CFR 300.301 (d) – (e)

¹⁰ “(d) INDIVIDUALIZED EDUCATION PROGRAMS...

(2) REQUIREMENT THAT PROGRAM BE IN EFFECT.—

...(C) PROGRAM FOR CHILDREN WHO TRANSFER SCHOOL DISTRICTS.—

(i) IN GENERAL.—

(I) TRANSFER WITHIN THE SAME STATE.—In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in the same State, the local educational agency shall provide such child with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the local educational agency adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with Federal and State law.

(II) TRANSFER OUTSIDE STATE.—In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in another State, the local educational agency shall provide such child with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the local educational agency conducts an evaluation pursuant to subsection (a)(1), if determined to be necessary by such agency, and develops a new IEP, if appropriate, that is consistent with Federal and State law.”

Section 614(d)(2)(C)(i)

“(e) IEPs for children who transfer public agencies in the same State. If a child with a disability (who had a previous IEP that was in effect in a previous agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child’s IEP from the previous public agency), until the new public agency either—

(1) Adopts the child’s IEP from the previous public agency; or

(2) Develops, adopts, and implements a new IEP that meets the applicable requirements in section 300.320 through 300.324.

(f) IEPs for children who transfer from another State. If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child’s IEP from the previous public agency), until the new public agency—

(1) Conducts an evaluation pursuant to section 300.304 through 300.306 (if determined to be necessary by the new public agency); and

(2) Develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in section 300.320 through 300.324.

34 CFR §300.323 (e)-(f)

¹¹ “(ii) TRANSMITTAL OF RECORDS.—To facilitate the transition for a child described in clause (i)—

(I) the new school in which the child enrolls shall take reasonable steps to promptly obtain the child’s records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous school in which the child was enrolled, pursuant to section 99.31(a)(2) of title 34, Code of Federal Regulations; and

(II) the previous school in which the child was enrolled shall take reasonable steps to promptly respond to such request from the new school.”

Section 614(d)(2)(C)(ii); 34 CFR §300.323 (g)

¹² “(a) Each public agency must ensure that the rights of a child are protected when—...(4) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6))....”

34 CFR §300.519(a)

¹³ See endnote 2, Section 602(23)(C); 34 C.F.R. §300.30.

“Include means that the items named are not all the possible items that are covered, whether like or unlike the ones named.”

34 C.F.R. §300.20

¹⁴ “TYPES OF PROCEDURES.—The procedures required by this section shall include the following:

...“(2)(A) Procedures to protect the rights of the child whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents, or the child is a ward of the State, including the assignment of an individual to act as a surrogate for the parents, which surrogate shall not be an employee of the State educational agency, the local educational agency, or any other agency that is involved in the education or care of the child. In the

case of—...

(ii) an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)), the local educational agency shall appoint a surrogate in accordance with this paragraph. (B) The State shall make reasonable efforts to ensure the assignment of a surrogate not more than 30 days after there is a determination by the agency that the child needs a surrogate.”

Section 615(b)(2)

“(a) Each public agency must ensure that the rights of a child are protected when—...(4) The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6))....

(b) The duties of a public agency under paragraph (a) of this section include the assignment of an individual to act as a surrogate for the parents. This must include a method—

(1) For determining whether a child needs a surrogate parent; and

(2) For assigning a surrogate parent to the child.”

34 CFR §300.519(a)-(b)

¹⁵ “Unaccompanied homeless youth. In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents without regard to paragraph (d)(2)(i) of this section, until a surrogate parent can be appointed that meets all of the requirements of paragraph (d) of this section.”

34 CFR §300.519(f)

“Section 300.519(f) allows LEAs to appoint a temporary surrogate parentsfor a child who is an unaccompanied homeless youth, without regard to the requirement in §300.519(d)(2)(i) that a surrogate parent not be an employee of any agency involved in the education or care of the child. Thus, a temporary surrogate parent for an unaccompanied homeless youth may include State, LEA, or agency staff that is involved in the education or care of the child.... Section 519(f) specifically allows the appointment of a temporary surrogate parent without regard to the non-employee requirements in §300.519(d)(2)(i). There are no similar exceptions for the requirements in §300.519(d)(2)(ii) and (iii). Therefore, temporary surrogate parents for unaccompanied homeless youth must not have a personal or professional interest that conflicts with the interest of the child the surrogate parent represents, and must have the knowledge and skills that ensure adequate representation of the child, consistent with§300.519(d)(2)(ii) and (iii), respectively.”

71 Fed. Reg. 46712 (August 14, 2006)

¹⁶ “(iii) CONSENT FOR WARDS OF THE STATE.—

(I) IN GENERAL.—If the child is a ward of the State and is not residing with the child’s parent, the agency shall make reasonable efforts to obtain the informed consent from the parent (as defined in section 602) of the child for an initial evaluation to determine whether the child is a child with a disability.

(II) EXCEPTION.—The agency shall not be required to obtain informed consent from the parent of a child for an initial evaluation to determine whether the child is a child with a disability if—

(aa) despite reasonable efforts to do so, the agency cannot discover the whereabouts of the parent of the child;

(bb) the rights of the parents of the child have been terminated in accordance with State law; or

(cc) the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.”

Section 614(a)(1)(C)(iii); 34 CFR §300.300(a)(2)

¹⁷ “(2)(A) ...In the case of—

“(i) a child who is a ward of the State, such surrogate may alternatively be appointed by the judge overseeing the child’s care provided that the surrogate meets the requirements of this paragraph....”

Section 615(b)(2)(A)(i); 34 CFR §300.519(c)

¹⁸ “EARLY INTERVENING SERVICES.—

(1) IN GENERAL.—A local educational agency may not use more than 15 percent of the amount such agency receives under this part for any fiscal year, less any amount reduced by the agency pursuant to subsection (a)(2)(C), if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.

(2) ACTIVITIES.—In implementing coordinated, early intervening services under this subsection, a local educational agency may carry out activities that include—

...(B) providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.”

Section 613(f); 34 CFR §300.226(a)-(b)(2)

¹⁹ “TYPES OF PROCEDURES.—The procedures required by this section shall include the following:

...(7)(A) Procedures that require either party, or the attorney representing a party, to provide due process complaint notice in accordance with subsection (c)(2) (which shall remain confidential)—

(ii) that shall include—

(I) the name of the child, the address of the residence of the child (or available contact information in the case of a homeless child), and the name of the school the child is attending;

(II) in the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child and the name of the school the child is attending....”

Section 615(b)(7)(A)(ii); 34 CFR §§300.507-508(b)(4)

²⁰ “In order to be eligible for a grant under section 633, a State shall provide assurances to the Secretary that the State—

(1) has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and infants and toddlers with disabilities who are wards of the State”

Section 634(1)

²¹ “(a) IN GENERAL.—A statewide system described in section 633 shall include, at a minimum, the following components:...

(2) A State policy that is in effect and that ensures that appropriate early intervention services based on scientifically based research, to the extent practicable, are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State and infants and toddlers with disabilities who are homeless children and their families.”

Section 635(a)(2)

²² “ASSURANCES.—The application described in subsection (a)—...

(7) shall provide satisfactory assurance that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State, in the planning and implementation of all the requirements of this part.”

Section 637(b)(7)

²³ “The Conferees intend that the public awareness program include a broad range of referral sources such as homeless family shelters, clinics and other health service related offices, public schools and officials and staff in the child welfare system.”

Report page 68 (290)

²⁴ “IN GENERAL.—The council shall be composed as follows:...

(K) OFFICE OF THE COORDINATOR OF EDUCATION OF HOMELESS CHILDREN AND YOUTH.—Not less than 1 member shall be a representative designated by the Office of Coordinator for Education of Homeless Children and Youths.

(L) STATE FOSTER CARE REPRESENTATIVE.—Not less than 1 member shall be a representative from the State child welfare agency responsible for foster care.”

Section 641(b)(1)(K) and (L)

Runaway and Homeless Youth Act

The Runaway and Homeless Youth Act (RHYA) is administered by the Family and Youth Services Bureau of the U.S. Department of Health and Human Services. The RHYA program provides funding for basic center programs, transitional living programs, and street outreach programs that serve runaway and homeless youth. Following is the Family and Youth Service Bureau Information Memorandum No. 1-2006, which states that Basic Center and Transitional Living programs must coordinate with local homeless education liaisons to ensure that runaway and homeless youth are provided with information regarding the educational services available to them.

Full Legislative Text

- The full text of the Runaway and Homeless Youth Act is available at <http://www.acf.hhs.gov/programs/fysb/content/aboutfysb/RHYComp.pdf>.

Additional Resources

- **NCHE Information by Topic: *Unaccompanied Youth* webpage;** visit http://www.serve.org/nche/ibt/sc_youth.php: This NCHE webpage provides information on supporting unaccompanied youth experiencing homelessness.



Family and Youth Services Bureau

Information Memorandum

U.S. Department of Health and Human Services
Administration for Children and Families
Family and Youth Services Bureau
Washington, DC 20447

No. 1-2006

Date: 01/09/2006

TO: FYSB Runaway and Homeless Youth Program Grantees

SUBJECT: Runaway and Homeless Youth (RHY) program coordination with the McKinney-Vento School Act (Subtitle B or title VII; 42 U.S.C. 11432 et seq). For statutory language on the McKinney-Vento School Act, visit the Department of Education site:
<http://www.ed.gov/programs/homeless/legislation.html>.

PURPOSE: To inform the nation's Runaway and Homeless Youth grantees about the McKinney-Vento provision in the Runaway and Homeless Youth Act (Title III of the Juvenile Justice and Delinquency Prevention Act of 1974), as amended by the Runaway, Homeless and Missing Children Protection Act of 2003, Public Law 108-96.

REFERENCES: P.L. 108-96 (<http://www.acf.hhs.gov/programs/fysb/content/aboutfysb/RHYComp.pdf>)

BACKGROUND: On October 10, 2003, the President signed the Runaway, Homeless and Missing Children Protection Act, which reauthorized the Runaway and Homeless Youth Act through Fiscal Year 2008. Under the reauthorization, Basic Center and Transitional Living programs must ensure **coordination with school district liaisons** under the **McKinney-Vento Homeless Assistance Act**, so that runaway and homeless youth are provided with information regarding the educational services available to them. (Section 312 and 322).

The **McKinney-Vento Homeless Education Assistance Act** applies to "unaccompanied youth" defined as youth who are not in the physical custody of a parent or guardian, which includes youth who have run away from home or are homeless. The Act removes barriers to school enrollment for unaccompanied youth such as waiving documentation requirements (i.e. proof of immunization) or adopting more lenient attendance policies. The Act requires that states address enrollment delays for youth without guardians and take steps to enroll such youth in school immediately. Some states allow unaccompanied youth to enroll independently or allow the service agency to sign for them in the role of caregiver.

The McKinney-Vento Homeless Education Assistance Act states that it is the responsibility of the school district liaison to: “assist unaccompanied youth in placement and enrollment decisions, explain the youth’s right to appeal school decisions, ensure the youth is immediately enrolled in school while appeals are pending, and ensure the youth has access to transportation to school” (42 U.S.C. §§11432). Liaisons are obligated to identify and ensure that RHY/unaccompanied youth have a smooth transition into school and receive the support services they are guaranteed under law. However, states have different timelines for meeting these objectives and may also define these needs differently than service providers. A check of the related state requirements and regulations may be necessary.

TIPS FOR STRONGER COORDINATION

Introduce the agency and the services provided to the liaison. Work on building a strong collaborative relationship, since this person will be a strong advocate during the intake process. Discuss issues regarding youth guardianship, case management and existing policies that may pose a barrier to receiving timely educational services. Decide how to introduce the youth to the school and how to best represent the student’s interests in the educational planning process.

To identify the school district liaison contact your state coordinator. A list of state coordinators is attached. This information can also be found online at <http://www.serve.org/nche/downloads/sccontact.pdf>.

Be an advocate for the student in school. Periodically visit with the school administrators, teachers and counselors to educate them about the homeless/runaway/throwaway youth population. Encourage school personnel to contact the McKinney-Vento liaison for additional guidance. This will ensure that the school is aware of and sympathetic to the issues facing RHY students. It can also establish a resource where schools will feel comfortable making referrals to the agency for assistance. Visits and participation also help programs to learn more about how the schools in your district operate. For example, do they require school uniforms? Can these be made available to temporary students?

Learn the specific state laws for providing educational services. Most states will serve youth until a high school graduation or equivalent and up to at least age 18 (older in some states). For special education students, federal law guarantees access to services until age 22 (Individuals with Disabilities Education Act IDEA). A youth who needs special education services cannot be denied access; however someone who is legally responsible for the youth will have to authorize services. To accommodate this process the RHY program should work with the student to identify an adult relative or legal representative.

Inform young people upon intake about their rights to an education and how they can access educational services. They should know that

they are eligible for immediate school enrollment in their district school or school of origin if feasible. This should include their right to attend their school of origin or local school, rights to transportation to/from school, the right to participate fully in school activities, and the right to appeal school enrollment decisions.

Be aware of alternative school options for youth such as vocational education, credit-for-work programs and flexible school hours. Your school district liaison can explain specific programs in your area.

Consider additional ways that you can support the educational needs of the young people in case. Many RHY centers and programs provide tutoring, onsite classes or enrichment, transportation to schools, advocacy for navigating the system and encouragement toward completion of their education. For Transitional Living Programs, education enrollment and/or completion or GED attainment may be a requirement for enrolled youth.

ATTACHMENTS:

Information for School-Aged Youth poster, Dept. of Education. Call 1-800-308-2145 to order additional copies. This publication is also available in Spanish.

State Coordinators List, National Center for Homeless Education, <http://www.serve.org/nche/downloads/sccontact.pdf>

ADDITIONAL RESOURCES:

The National Center for Homeless Education (NCHE)
Web Address: www.serve.org/nche
NCHE, funded by the U.S. Department of Education, is a national resource center, providing valuable information, training, and materials to educators and community members seeking to address the educational needs of homeless children and their families.

U.S. Department of Education, Education for Homeless Children and Youth Program

Web Address: www.ed.gov/programs/homeless/index.html

The Education for Homeless Children and Youth Program oversees the education of homeless children and youth in our nation's public schools, including the granting of McKinney-Vento funds and the monitoring of their usage.

INQUIRIES:

Inquiries should be directed to your Lead Regional Youth Specialist:

Maryellen Connors – Region I; (617) 565-1119

Junius Scott – Region II; (212) 264-2896

Gary Koch – Region III; (215) 861-4022

Ruth Walker – Region IV; (404) 562-2901

Bill Clair – Region V; (312) 535-0166

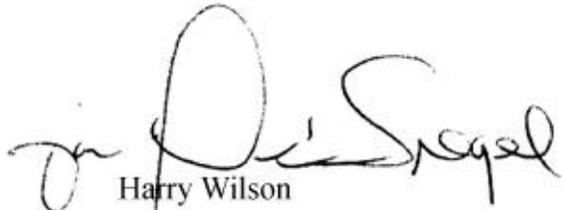
Ralph Rogers – Region VI; (214) 767-2977

Dale Scott – Region VII; (816) 426-2295

Al Martinez – Region VIII; (303) 844-1172

Deborah Oppenheim – Region IX; (415) 437-8426

Steve Ice – Region X; (206) 615-2210



Harry Wilson
Associate Commissioner

Title I, Part A, of the No Child Left Behind Act

Title I, Part A, of the No Child Left Behind Act (NCLB) provides financial assistance through SEAs to LEAs and schools with high numbers or high percentages of low-income children to help ensure that all children meet challenging state academic standards. Following is the text of Title I, Part A, of the No Child Left Behind Act that deals with supporting children and youth experiencing homelessness with Title I, Part A, funds.

Full Legislative Text

- The full text of Title I, Part A, of the No Child Left Behind Act is available at <http://www.ed.gov/policy/elsec/leg/esea02/pg2.html>.

Additional Resources

- **Homeless Education and Title I: Collaboration and Compliance**; available for viewing at <http://servepres.serve.org/p79332226>: This online audiovisual training explains the relationship between the McKinney-Vento Homeless Assistance Act and Title I, Part A, of the No Child Left Behind Act. Concepts covered include comparable services, the mandatory reservation of funds, and strategies for collaboration between the programs.
- **Title I and Homelessness brief**; available for downloading at <http://www.serve.org/nche/briefs.php>: This brief identifies the key provisions of the McKinney-Vento Homeless Assistance Act and Title I, Part A, of the No Child Left Behind Act that deal with the provision of services to children and youth experiencing homelessness.
- **U.S. Department of Education Draft Non-Regulatory Guidance, Section M**; available for downloading at http://www.serve.org/nche/downloads/guidance_jul2004.pdf. Section M of the U.S. Department of Education's Non-Regulatory Guidance deals with the coordination of the Education for Homeless Children and Youth (EHCY) Program and the Title I, Part A, program.
- **NCHE Information by Topic: Title I, Part A, webpage**; visit http://www.serve.org/nche/ibt_sc_titlei.php: This NCHE webpage provides information on using Title I, Part A, funds to support the education of children and youth experiencing homelessness.



Title I, Part A, of the No Child Left Behind Act (Public Law 107-110)

(Excerpts related to the education of children and youth experiencing homelessness)

SEC 111. STATE PLANS

“(a) PLANS REQUIRED.—

“(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators (including administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.

SEC 112. LOCAL EDUCATIONAL AGENCY PLANS

“(a) PLANS REQUIRED.—

“(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate.

“(b) PLAN PROVISIONS.—

“(1) IN GENERAL.—In order to help low-achieving children meet challenging achievement academic standards, each local educational agency plan shall include—...

“(E) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as—...

“(ii) services for children with limited English proficiency, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;...

“(O) a description of the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(c)(3)(A);



SEC 113. ELIGIBLE SCHOOL ATTENDANCE AREAS

“(c) ALLOCATIONS.—...

“(3) RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

“(A) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live;

SEC 115. TARGETED ASSISTANCE SCHOOLS

“(b) ELIGIBLE CHILDREN.—...

“(2) CHILDREN INCLUDED.—...

“(E) HOMELESS CHILDREN.—A child who is homeless and attending any school served by the local educational agency is eligible for services under this part.

