



## Homeless Student Guidance Outlines Changes Required for this Fall

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## Most Vulnerable Students Receive Increased Attention in Recent Guidance

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## ESSA National Advisory Board Requests Foster Care Notices

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## In this Edition

**Homeless Student Guidance Outlines Changes Required for this Fall**

**Most Vulnerable Students Receive Increased Attention in Recent Guidance**

**ESSA National Advisory Board Requests Foster Care Notices**

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On July 27th, the U.S. Department of Education (USED) issued updated guidance for the McKinney-Vento Homeless Assistance Act as amended by the Every Student Succeeds Act (ESSA). This guidance also covers the ESSA Title I requirements for students experiencing homelessness.

### Important things to know:

- Significant changes to the McKinney-Vento Act and Title I requirements for children and youth experiencing homelessness are being implemented as a result of the reauthorization to ESSA
- McKinney-Vento related changes must be implemented by October 1, 2016
- Title I related changes don't go into effect until the 2017-2018 school year
- Updated parent notices will be made available to current TransACT customers to reflect the changes made by ESSA

### ESSA Brings Significant Changes

In 2004, USED issued guidance under NCLB addressing the McKinney-Vento and Title I requirements for children and youth experiencing homelessness. The July 27th USED non-regulatory guidance replaces the 2004 guidance issued under NCLB and addresses the changes to requirements under ESSA.

### The updates include new or changed requirements in the following areas:

- Identification of children and youth experiencing homelessness
- Removal of "awaiting foster care placement" from the definition of "homeless children and youths"
- Responsibilities for local liaison toward preschool-aged children experiencing homelessness
- Collaboration and coordination with a long list of other service providers
- Provision of professional development and technical assistance at the State and local level
- Removal of enrollment barriers for children and youth experiencing homelessness
- A focus on maintaining stability by expanding the definition of school of origin and providing transportation to the school of origin
- Clarification of student record privacy, specifically concerning the student's living situation
- Details relate to dispute resolution
- Changes to Title I funding set-asides for children and youth experiencing homelessness

### Transition to ESSA Changes

According to this non-regulatory guidance, States and districts will need to implement the ESSA changes to the McKinney-Vento Act by October 1, 2016. There is at least one exception to this: The removal of "awaiting foster care placement" from the definition of "homeless children and youth" does not go into effect until December 10, 2016. Even though the changes are required to be implemented in the first half of the 2016-2017 school year, States are not required to submit plans that reflect the new requirements until 2017. In addition, the changes in requirements under Title I for children and youth experiencing homelessness do not take effect until the 2017-2018 school year.

The updated guidance can be accessed [at the USED website](#). If you have any questions about the guidance and its impact on your district, or would like more information, please contact us at 425.977.2100, Option 3 or email at [support@transact.com](mailto:support@transact.com).

If you do not currently have a subscription to our ESEA Parent Notice Collection and would like more information, please [schedule time to talk with us here](#).

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### A Brief History of Homeless Student Regulation in the United States

**1987** – The McKinney-Vento Homeless Act was implemented as a conditional funding act in response to widespread and increasing homelessness in the United States. It is the first and only major federal legislative response to homelessness.

**2001** – A portion of the McKinney-Vento Homeless Act dedicated to children and youth was reauthorized in the No Child Left Behind Act, providing definitions of homeless youth and funds for special services.

**2016** – The McKinney-Vento Homeless Act Act was once again reauthorized in the Every Student Succeeds Act, with updates to definitions, LEA and liaison responsibilities, and student rights.

## Most Vulnerable Students Receive Increased Attention in Recent Guidance

The reauthorization of the Elementary and Secondary Education Act (ESEA) by the Every Student Succeeds Act (ESSA) made some significant changes and additions to requirements related to children in foster care. On June 23rd, the U.S. Department of Education (USED) issued the document "Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care", which provides clarification for the new or changed requirements.

### Important additions and changes brought on by ESSA:

- Children "awaiting foster care placement" are removed from the definition of "homeless children and youth" under the McKinney-Vento Act.
- States and districts are required to provide an assurance that students in foster care remain in their school of origin unless it is determined it is not in the best interest of the student.
- States and districts are required to collaborate with child welfare agencies to ensure the transportation of children in foster to their school of origin.

### Foster Care Students and ESSA

Services removed for children 'awaiting foster care placement': The recent reauthorization by ESSA included changes and updates to the McKinney-Vento Homeless Assistance Act that affect students awaiting foster care placement. Prior to ESSA, these children were included in the definition of "homeless children and youth" and were therefore eligible for additional services provided under that Act. This provision was removed by ESSA, so children "awaiting foster care placement" are no longer included in the definition of "homeless children and youth" and will no longer be eligible for these additional services provided to students experiencing homelessness.

Services that are now unavailable through the McKinney-Vento Act, but may still be available through other programs include:

- Tutoring
- Supplemental Instruction
- Eligibility for meals through the National School Lunch and Breakfast Program
- Assistance to defray the excess cost of transportation to remain at school of origin

### School of Origin Regulation

ESSA Title I, Section 1111(g)(1)(E): State plans must include an assurance that students in foster care remain in their school of origin unless it is determined that this is not in the student's best interest.

### Transportation to School of Origin Requirements

ESSA Title I, Section 1112(c)(5): States and district must work in collaboration with child welfare agencies to ensure transportation of children in foster care to the school of origin.

### Transition to ESSA

The changes to foster care requirements, as well as the removal of "awaiting foster care placement" from the definition of "homeless children and youth" go to into effect December 10, 2016. However, States are not required to submit plans that reflect the new requirements until 2017.

The new guidance can be accessed [at the USED website](#). If you have any questions or would like more information, please contact us at 425.977.2100, Option 3 or email at [support@transact.com](mailto:support@transact.com).

To ensure your district's parent notices for foster-home students are accurately updated, [please connect with us here](#).

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### A Brief History of Foster Student Regulation in the United States

*Students in foster care are considered "one of the most vulnerable student subgroups in this country". The past decade has seen an increased focus on providing services and stability to this student subgroup in order to overcome academic difficulties associated with high mobility and other factors that affect students in foster care.*

**2008** – Fostering Connections Act takes a step towards supporting stability for students in foster care by creating pathways to promote or maintain permanent connections with relatives, siblings and family, and creating special definitions of outcomes for vulnerable subgroups.

**2014** – USED and the US Department of Health and Human Services reiterate school districts' role in meeting the educational stability requirements by collaborating and coordinating with child welfare agencies.

**2016** – Elementary and Secondary Education Act is reauthorized as ESSA (Every Student Succeeds Act) and contains key protections for students in foster care for the first time. Implementation requires dual-agency responsibility for supporting educational success and rapid implementation timelines.

## ESSA National Advisory Board Requests Foster Care Notices

In March 2016 TransACT's ESSA National Advisory Board (NAB) started monthly meetings to review the Every Student Succeeds Act (ESSA) and determine parent notification requirements. In June, shortly after the U.S. Department of Education (USED) released guidance on students in foster care, the NAB met and discussed this new guidance. As a result, the NAB recommended that TransACT develop notices to address the ESSA requirements for children or youth in foster care.

### Notices created are:

1. **"Meeting to Determine School Placement of a Child or Youth in Foster Care: Invitation to Participate"** - This notice is used to set a meeting to determine school placement. School placement should be in the school or origin unless it is determined that this is not in the best interest of a student in foster care.
2. **"Education Rights of Children and Youth in Foster Care"** - This notice explains to guardians or education decision makers the rights of and services available to students in foster care, including their right to remain in the school or origin unless it is determined that this is not in the best interest of the student in foster care.
3. **"Determination of School Placement for a Child or Youth in Foster Care"** - This notice tells the guardian or education decision maker of a student in foster care the name and location of the school in which the student in foster care will be placed. If it is not the school requested or the school of origin, it provides space to explain why the school chosen is in the best interest of the student in foster care.
4. **"Determination of School Transportation for a Child or Youth in Foster Care"** - This notice provides guardians or education decision makers with information regarding the arrangements for transportation of a student in foster care to the student's school of origin.

The ESSA National Advisory Board will continue to meet for at least the remainder of this year to review new or updated guidance and regulations as they are released by USED. If you have any questions or would like more information, please contact us at 425.977.2100, Option 3 or email at [support@transact.com](mailto:support@transact.com).

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