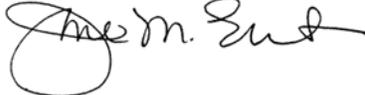




**TO:** P-12 Education Committee

**FROM:** Jhone M. Ebert 

**SUBJECT:** McKinney-Vento Homeless Assistance Act for the Education of Homeless Children and Youths, as Reauthorized by the Every Student Succeeds Act

**DATE:** October 6, 2016

**AUTHORIZATION(S):** 

### **SUMMARY**

#### **Issue for Discussion**

This item will provide the Board of Regents with an update on the Department's effort to implement the provisions in McKinney-Vento Homeless Assistance Act for the education of homeless children and youths, as amended by the Every Student Succeeds Act of 2015 (ESSA).

#### **Reason(s) for Consideration**

For information and discussion.

#### **Proposed Handling**

This issue will come before the P-12 Education Committee for discussion at the October 2016 meeting of the Board of Regents.

#### **Background Information**

The Education for Homeless Children and Youth program is administered under Title VII-B of the McKinney-Vento Homeless Assistance Act (McKinney-Vento) (42 U.S.C. 11431 et seq.), which was originally authorized in 1987 and most recently reauthorized in December 2015 by ESSA. Under McKinney Vento, State educational agencies must ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youths.

Several changes were made to the McKinney-Vento Act as a result of ESSA, including, but not be limited to:

1. Removing “awaiting foster care placement” from the definition of homeless as of December 10, 2016;
2. Expanding the definition of “school of origin” to include preschool and feeder schools;
3. Requiring continued enrollment and transportation during any enrollment dispute pending final resolution of the dispute, including all available appeals;
4. Expanding transportation to the school of origin through the remainder of the school year in which the student becomes permanently housed;
5. Requiring that all State Educational Agencies (SEAs) and Local Educational Agencies (LEAs) have policies to remove barriers to identification, enrollment and retention of children and youth who are homeless, including barriers to enrollment and retention due to outstanding fees or fines or absences;
6. Requiring SEAs to have procedures that ensure that students who are homeless and who meet the relevant eligibility criteria do not face barriers to accessing academic and extra-curricular activities, including magnet schools, summer school, career and technical education, advanced placement courses, online learning and charter schools;
7. Requiring that the State Plan describe how youth who are homeless will receive assistance from counselors to advise such youth and improve their readiness for college;
8. Requiring that the State Plan ensure appropriate access to secondary education, including procedures to remove barriers that prevent youth from receiving appropriate credit for full or partial coursework completed while attending a prior school;
9. Requiring LEAs to immediately enroll children and youth who are homeless even if they have missed application or enrollment deadlines during any period of homelessness;
10. Allowing LEA liaisons to refer students and their families to needed housing services and are authorized to affirm eligibility for students and their families for HUD-funded homeless assistance programs if the liaison has received training;
11. Requiring that information about a homeless child’s living situation (e.g., homeless status, temporary address) be treated as a student education record and not be deemed to be directory information.

Except for the provision related to the elimination of “awaiting foster care placement” which goes into effect December 10, 2016 as noted above, State educational agencies and local educational agencies must abide by the new requirements as of October 1, 2016.

The Department presented these key changes to the Regents this past July and issued the attached Field Memo dated September 29, 2016, to all District Superintendents, Superintendents of Public Schools, Charter School LEA Administrators, and McKinney-Vento Liaisons, which is also available here:

<http://www.p12.nysed.gov/accountability/homeless/guidancememos.html>.

The Department's Field Memo is in line with the Non-Regulatory Guidance issued by the U.S. Department of Education on July 27, available here:

<http://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>.

To help LEAs implement these changes, the Department's homeless education technical assistance center, NYS-TEACHS, has provided or will be providing the following professional development sessions:

- webinar on the ESSA amendments to McKinney-Vento on September 20;
- webinars on transportation under McKinney-Vento as amended by ESSA on September 27 and 29;
- webinars on McKinney-Vento 101 with ESSA updates on October 25 and 27;
- on-site trainings at Nassau BOCES on October 17, Eastern Suffolk BOCES on October 26, and the NYC Charter School Center on January 10; and
- workshops in Rochester on November 17, in Albany on November 29, and in New York City on December 7, 12, and 16.

The changes to McKinney Vento will require several State statutory changes to the Education Law, including Education Law § 3209. As a result, the Department has reached out to Senate, Assembly and Executive staff about the need for legislative amendments and will keep the Regents apprised of the parties' ongoing work.

### **Next Steps**

The Department will continue to engage with the U.S. Department of Education regarding implementation of McKinney-Vento; work with NYS-TEACHS to provide additional professional development sessions for LEAs on implementation of McKinney-Vento; continue discussions with Senate, Assembly, and Executive staff regarding amendments to Education Law § 3209; and develop regulations for consideration by the Board of Regents based on the above interactions.

### **Related Regent's Items**

<http://www.regents.nysed.gov/common/regents/files/Full%20Board%20McKinney-Vento.pdf>

<https://www.regents.nysed.gov/meetings/2008Meetings/May2008/0508emscca1.htm>

<http://www.regents.nysed.gov/meetings/2008Meetings/March2008/0308emscd1.htm>