



Superintendent's Memo #126-17

COMMONWEALTH of VIRGINIA
Department of Education

April 21, 2017

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: Summary of Changes for the Education of Homeless Children and Youth Program under the *Every Student Succeeds Act*

This memo contains a summary of the legislative changes in the McKinney-Vento Education of Homeless Children and Youths (EHCY) program under the *Every Student Succeeds Act* (ESSA). It also contains supplemental guidance on school of origin transportation for students with disabilities who have transportation as a related service in their Individualized Education Programs (IEPs), and a request for input on the EHCY State Plan for Virginia.

Legislative Summary

Under ESSA, the McKinney-Vento EHCY program is now Title IX, Part A. The amendments became effective **October 1, 2016**. Local homeless education liaisons have received updates regarding these changes through Project HOPE-Virginia regional trainings, emails, letters and a page on the HOPE website dedicated to the ESSA transition. This site contains current resources, including a webinar recorded in May 2016 that addressed the amendments in ESSA and how they were likely to affect Virginia. This webpage can be found at:

<http://education.wm.edu/centers/hope/legislative/ESSAtransition/index.php> 

Many of the changes for the EHCY program codify what has been best practice and already occurring in Virginia. Some changes are more significant and will require adjustments to state and local practices, such as an expanded definition of school of origin and transportation mandates. This memo includes a summary of the changes in ESSA for homeless education as an attachment.

Guidance for Students with Disabilities

The United States Department of Education issued updated Non-regulatory Guidance in March 2017. One additional question addresses students with disabilities experiencing homelessness (Item J-12 on page 30). To summarize, when students with disabilities who are experiencing

homelessness and have transportation as a related service in their IEPs are receiving school of origin transportation, state policies should be considered.

In Virginia, when students with disabilities experiencing homelessness who have transportation as a related service in their IEPs are receiving school of origin transportation, local, *Individuals with Disabilities Education Act* (IDEA) or McKinney-Vento funds may be used to cover the excess cost of transportation. Free Appropriate Public Education (FAPE) remains with the school division in which the student is enrolled; however, the excess cost of transportation may be shared across localities, consistent with McKinney-Vento.

Request for Input on the ECHY State Plan

The state plan for the McKinney-Vento ECHY program will be submitted under Virginia's ESSA Consolidated State Plan and is due September 18, 2017. [A draft of the ECHY state plan will be found at: http://education.wm.edu/centers/hope/legislative/ESSAtransition/draftplan/HOPEstateplan2017topost.pdf](http://education.wm.edu/centers/hope/legislative/ESSAtransition/draftplan/HOPEstateplan2017topost.pdf). Project HOPE-Virginia is requesting feedback on the plan and can be submitted online or by contacting the HOPE office.

If you have questions, please contact Patricia A. Popp, State Coordinator, at pxpopp@wm.edu or (757) 221-7776.

SRS/PRP/nlc

Attachment:

- A. [McKinney-Vento Education for Homeless Children and Youth Program Changes Under the Every Student Succeeds Act-This is a PDF document.](#) (PDF)

Virginia Department of Education Commonwealth of Virginia, 2018

McKinney-Vento Education for Homeless Children and Youth (EHCY) Program Changes Under the Every Student Succeeds Act (ESSA) (A.)

Under ESSA, the McKinney-Vento EHCY Program is now Title IX, Part A. The amendments became effective **October 1, 2016**. Many of the changes codify what has been best practice and already occurring in Virginia. Some changes are more significant and will require adjustments to our state and local practices. Current resources, including a webinar recorded in May that addressed the changes in ESSA and how they are likely to affect Virginia can be found at:

<http://education.wm.edu/centers/hope/professionaldev/ESSATransition/index.php>

The following table highlights the changes and the current status of implementation in Virginia.

Change in McKinney-Vento EHCY Program	Status in Virginia
State Coordinator	
Every state must designate a State Coordinator <i>who can sufficiently carry out their duties.</i> [§722(d)(3)]	Virginia has had a dedicated office and staff since the 1990's.
The state coordinator must:	
monitor local education agencies (school divisions). [§722(f)(5)]	Monitoring of all school divisions has been conducted for more than ten years.
post on the SEA website, and annually update, a list of liaisons' contact information and duties, and data on student homelessness. [§722(f)(1) and §722(g)(6)(B)]	Liaisons are posted to the HOPE Web site and updated during the school year; counts of students identified as homeless in Virginia and by school division has been posted annually since 2010-11.
develop and implement professional development programs for liaisons and other LEA personnel. [§722(f)(6)]	Ongoing practice of the HOPE office; revisions are made based on identified needs and legislative changes.
training must include information on certain specified federal definitions of homelessness. [§722(f)(6)]	Greater detail must be added to training; HOPE staff is working with state housing partners to develop.
respond to inquiries from homeless parents and unaccompanied youth to ensure they receive the full protections of the law. [§722(f)(7)]	Ongoing practice of the HOPE office.
States must have procedures to identify and remove barriers that prevent youth from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies. [§722(g)(1)(F)(ii)]	The state coordinator has begun consultation with the school counselor specialist in Student Services at VDOE; further work on transitions between block and traditional schedules and how to translate credits is needed.

Change in McKinney-Vento EHCY Program	Status in Virginia
State Coordinator (continued)	
<p>States must have procedures to eliminate barriers to academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs. [§722(g)(1)(F)(iii)]</p>	<p>The state coordinator has explored this issues with the HOPE Advisory Board, during regional liaison trainings, and through local monitoring. As promising practices are identified, these will be shared with liaisons through email updates, webinars, and face-to-face trainings.</p>
Local Homeless Education Liaisons	
<p>Every LEA must designate a McKinney-Vento liaison <i>able to carry out his/her legal duties</i>. [§722(g)(1)(J)(ii)]</p>	<p>This question has been part of school division monitoring and will continue to be part of the monitoring discussion. Conversations between liaisons and supervisors regarding capacity may be needed.</p>
<p>Local liaisons must ensure:</p>	
<p>children, youth and families have access to and receive educational services for which they are eligible, including Head Start, early intervention (IDEA, Part C) and other preschool programs. [§722(g)(6)(A)(iii)]</p>	<p>Preschool programs have been a focus in monitoring. Collaboration is strong at the state level and resources are available to assist liaisons.</p>
<p>public notice of MV rights is disseminated in locations frequented by parents, guardians, and unaccompanied youth, in a manner and form understandable to them. [§722(g)(6)((A)(vi)]</p>	<p>Posters provided to all liaisons each year in English and Spanish; liaisons can obtain other languages upon request; HOPE is developing samples of posters for youth.</p>
<p>school personnel providing McKinney-Vento services receive professional development (PD) and other support. [§722(g)(6)(A)(ix)]</p>	<p>Project HOPE and NCHE have materials that can be used to fulfill this requirement that are being updated to align with ESSA. The state coordinator frequently assists liaisons with PD. Monitoring protocol is revised to capture this requirement.</p>
<p>unaccompanied youth are enrolled in school and that procedures are implemented to identify and remove barriers that prevent them from receiving credit for full or partial coursework satisfactorily completed at a prior school, in accordance with State, local, and school policies. [§722(g)(1)(F)(ii) and §722(g)(6)(A)(x)(II)]</p>	<p>See status under State Coordinator responsibilities.</p>

Change in McKinney-Vento EHCY Program	Status in Virginia
Local Homeless Education Liaisons (continued)	
unaccompanied youth are informed of their status as independent students and may obtain assistance from the liaison to receive verification of that status. [§722(g)(6)(A)(x)(III)]	Liaisons have a verification template. Liaisons will need to develop a process to document that students are informed.
All McKinney-Vento youth must be able to receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college. [§722(g)(1)(K)]	State and local efforts to include school counselors in our work is needed; there are efforts under the HOPE Higher Education Network, the Interagency Partnership to Prevent and End Youth Homelessness, and the SCHEV GEAR UP pilot that will support this requirement.
Local liaisons are authorized to affirm that students meet the Department of Housing and Urban Development (HUD) definition of homelessness, to qualify them for HUD homeless assistance programs. [§722(g)(6)(D)]	Guidance from the state will be needed; liaisons are encouraged to work with their local continuum of care (CoC) to gain an understanding of local processes and partners.
Liaisons must participate in professional development and technical assistance as determined appropriate by the State Coordinator. [§722(g)(1)(J)(iv)]	<p>HOPE Advisory Board recommendation: Within 1 month of designation, liaison must participate in online Virginia training (to be developed) or Virginia regional training or statewide homeless education conference;</p> <p>Annually thereafter, liaisons must participate in at least one: webinar, regional training, or state or national conference (HOPE, NCHE and NAEHCY events will meet this requirement); a new online liaison certification program has been purchased and will be available later this year.</p>

Change in McKinney-Vento EHCY Program	Status in Virginia
School Stability	
<p>School of origin (SOO) is defined as:</p> <ul style="list-style-type: none"> • The school attended when permanently housed or school in which last enrolled, <i>including a preschool</i>. [§722(g)(3)(I)(i)] • <i>The designated receiving school at the next grade level for feeder school patterns, when the student completes the final grade level served by the SOO.</i> [§722(g)(3)(I)(ii)] 	<p>This change has been shared with liaisons through written correspondence, training, and technical assistance. The state coordinator has shared this information with early childhood programs through state-level collaborations. A session is scheduled at the Virginia Association of Pupil Transportation (VAPT) Conference in June 2017 to share these changes directly with pupil transportation staff.</p>
<p>The decision to remain in the school of origin should be based on a best interest determination (feasibility was deleted) with presumption that school of origin is in the student’s best interest unless contrary to parent/guardian or unaccompanied youth’s best interest. [§722(g)(3)(B)]</p>	<p>With the assistance of the HOPE Advisory Board, the “Determining Feasibility for Placement in School of Origin” has been revised as a Best Interest Determination Form. This form, along with revised written notice and dispute resolution processes will be provided in a future Superintendent’s Memo.</p>
<p>If remaining the school of origin to the end of the school year in which the student obtains permanent housing is determined to be the student’s best interest, <i>transportation must be provided.</i> [§722(g)(1)(J)(iii)(I)]</p>	<p>See school of origin above. In addition, liaisons are encouraged to use a transportation contract. Continued state and local conversations with departments of transportation are needed.</p>
<p>In addition to enrollment and school selection, eligibility can be disputed. [§722(g)(3)(E)]</p>	<p>With the assistance of the HOPE Advisory Board, a revised dispute resolution process has been developed and will be provided in a future Superintendent’s Memo.</p>
School Stability Update in March 2017 Non-Regulatory Guidance	
<ul style="list-style-type: none"> • Question & Answer J-10: Students who are in foster care after December 10, 2016 should be served under the new Title I, Part A, provisions for students in foster care. • Question & Answer J-11: To the extent the lack of transportation to and from extracurricular activities, is a barrier, a school division must provide transportation. • Question & Answer J-12: When students with disabilities who are experiencing homelessness and have transportation as a related service in their IEPs are receiving school of origin transportation, state policies should be considered. 	<ul style="list-style-type: none"> • VDOE and VDSS staff have updated the 2013 Joint Guidance for students in foster care. Upon approval of the draft, a Superintendent’s Memo will be issued. • ***** • In Virginia, when students with disabilities experiencing homelessness who have transportation as a related service in their IEPs are receiving school of origin transportation, IDEA funds, McKinney-Vento funds, and Title I, Part A, funds may be used to cover the excess costs of transportation. FAPE remains with the school division in which the student is enrolled. Excess cost of transportation may be shared across localities.

Change in McKinney-Vento EHCY Program	Status in Virginia
Additional EHCY Changes	
<p>Information about a McKinney-Vento student's living situation is a student education record subject to FERPA. [§722(g)(3)(G)]</p>	<p>This is consistent with current guidance provided by Project HOPE-VA. The address of a student experiencing homelessness is NOT directory information and cannot be shared or published without written permission of the parent/guardian or unaccompanied youth. Without written permission, such information cannot be shared with other agencies, including housing authorities. Reminder was sent to liaisons in March 2017 with Supt. Memo #059-17.</p>
<p>“Awaiting foster” is removed from the definition of homeless children and youth, effective December 10, 2016. [§725(2)]</p>	<p>Typically, children in foster care have not been served under McKinney-Vent in Virginia, based on the 2004 USED Non-Regulatory Guidance. Virginia has current joint VDOE/VDSS Guidance and forms for students in foster care. These resources are being revised to align with new requirements found in Title I, Part A.</p>

Change in McKinney-Vento EHCY Program	Status in Virginia
Changes in Title I, Part A, for Students Experiencing Homelessness	
<p>State report cards must disaggregate achievement and high school graduation data for McKinney-Vento students. [Title I, Part A, §1111(h)(1)(C)]</p>	<p>On-time Graduate Rate (OTGR) has been reported since 2008. Monitoring has recommended local disaggregation of achievement data. Achievement data has been collected but not posted to the Web site. Virginia’s OTGR varies from the adjusted cohort graduation rate (ACGR) required in ESSA. The state coordinator is working with EIMS to create the longitudinal data using ACGR.</p>
<p>Local Title I plans must be coordinated with McKinney-Vento programs and describe the services provided to McKinney-Vento students, including with reserved funds, to support their enrollment, attendance and success. [Title I, Part A, §1112(b)(6)]</p>	<p>Local plans already include a page for homeless education that requires this description. The state coordinator works with Title I when revising the local application each year. Liaisons should be included in the decision-making for the reservation and in completing the homeless education page.</p>
<p><u>All</u> LEAs that receive Title I, Part A, funds must reserve the funds necessary to provide homeless children services comparable to services to those provided in Title I schools. The amount:</p> <ul style="list-style-type: none"> • must be based on the total LEA allocation prior to expenditures or transfers. • may be determined based on a needs assessment <i>and should involve the liaison.</i> • must be sufficient to provide comparable services to homeless students, regardless of other services provided with reserved funds. <p>[Title I, Part A, §1113(c)(3)]</p>	<p>This is consistent with current guidance and discussions held during federal program monitoring of McKinney-Vento EHCY programs.</p>
<p>Title I, Part A, funds may be used:</p> <ul style="list-style-type: none"> • for homeless children and youth attending <u>any</u> school in the LEA • for services not ordinarily provided to other students • to fund the McKinney-Vento liaison, • to provide transportation to the school of origin • for educationally-related support services, including preK. <p>[Title I, Part A, §1113(c)(3)]</p>	<p>The new language is consistent with current allowable uses and guidance provided to school divisions.</p>