



OFFICE OF QUALITY SCHOOLS FEDERAL COMPLIANCE

*ESSA
McKinney-Vento and
Foster Care Students*

2016

Missouri Department
of Elementary and Secondary Education

Every Student Succeeds Act (ESSA) McKinney-Vento and Foster Care

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ESSA and McKinney-Vento



McKinney-Vento ESSA Timeline

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October 1, 2016—

All amendments to the McKinney-Vento Act take effect, except the deletion of “awaiting foster care placement” from the definition of “homeless children and youths.” **ESSA §9105(b)(1)**

December 10, 2016—

“Awaiting foster care placement” is deleted from the definition of “homeless children and youths” in every state except AR, DE, and NV.



McKinney-Vento Homeless Assistance Act

New or changed requirements focusing on:

- ❑ Identification of homeless children and youth.
- ❑ Preschool-aged homeless children
- ❑ Collaboration and coordination with others
- ❑ Professional development and Technical assistance at both the State and local levels
- ❑ Removing enrollment barriers
- ❑ School stability
- ❑ Privacy of student records
- ❑ The dispute resolution process



Who is Homeless?

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Children who **lack a fixed, regular, and adequate nighttime residence—11434a(2)**

- ❑ Sharing the housing of others due to loss of housing, economic hardship, or similar reason.
- ❑ Living in motels, hotels, trailer parks, camping grounds due to lack of adequate alternative accommodations.

Undocumented children and youth have the same right to attend public school as U.S. citizens and are covered by the McKinney-Vento Act to the same extent as other children and youth. (Plyler v. Doe)



Unaccompanied Homeless Youth

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Definition: child or youth who meets the McKinney-Vento definition and is not in the physical custody of a parent or guardian. **11434a(6)**

There is no age limit for an unaccompanied youth.



Determining Eligibility

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- ❑ Case-by-case determination.
- ❑ Get as much information as possible (with sensitivity and discretion).
- ❑ Look at the MV definition (specific examples in the definition first, then overall definition).
- ❑ Considerations for families/youth who are staying with other people.
 - ❑ **Where would you go if you couldn't stay here?**
 - ❑ **What led you to move in to this situation?**



Identification Strategies

- ❑ Avoid using the word “homeless”
- ❑ Provide awareness activities
- ❑ Post outreach materials and posters in all schools and where there is a frequent influx of low-income families and youth in high-risk situations, including motels, campgrounds, libraries, health center, youth services.

<http://dese.mo.gov/sites/default/files/11-homeless-poster.pdf>



Enrollment in Preschool

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- ❑ State McKinney-Vento plans must describe procedures that ensure homeless children have access to public preschool programs administered by the SEA or LEAs.
11432(g)(1)(F)(i)
- ❑ Preschools are included in the school of origin definition.
11432(g)(3)(I)
- ❑ Liaisons must ensure access to Head Start, early intervention (IDEA Part C), and other preschool programs administered by the LEA. **11432(g)(6)(A)(iii)**
-  ❑ Transportation is required by LEAs to provide transportation services to the school of origin, which includes public preschools. **Section 722(g)(3)(I)(i)**

Collaboration and Coordination

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- Title I, Part A
- IDEA, Parts B and C
- Early Childhood Education
- HUD
- Shelters
- Domestic Violence Shelters
- Food Pantry
- Higher Education
- Medical/Dental



Professional Development & TA

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- Technical Assistance from the SEA's McKinney-Vento Program
 - Quarterly Webinars
 - On-line system (in production)
 - Phone calls and TA

- LEA Homeless Liaisons
 - Must provide PD to LEA staff



School Enrollment

- ❑ McKinney-Vento students are entitled to immediate enrollment in any public school that students living in the same attendance area are eligible to attend; even if they do not have all the required documentation.



School Enrollment...continued

- ❑ The terms “enroll” and “enrollment” include attending classes and participating fully in school activities.
11434a(1)
- ❑ SEAs and LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment and retention of children and youth in homeless situations, including barriers due to outstanding fees or fines, or absences. **11432(g)(1)(I)**



School Enrollment...continued

- ❑ If a student does not have immunizations, or immunization or other health records or screenings, the liaison must immediately assist in obtaining them; the student must be enrolled in the interim. **11432(g)(3)(C)(iii)**
- ❑ Enrolling schools must obtain school records from the previous school, and student must be enrolled in the school while records are obtained. **11432(g)(3)(C)(iii)**
- ❑ Schools must maintain McKinney-Vento students' records so they are available quickly. **11432(g)(3)(D)**



Enrollment of Unaccompanied Youth

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- ❑ Immediate enrollment applies, even without parent or guardian. **11432(g)(1)(H)(iv)**
 - ❑ Youth self-enrollment; Caregiver forms

- ❑ Liaisons must help unaccompanied youth choose and enroll in a school, give priority to the youth's wishes, and inform the youth of his or her appeal rights. **11432(G)(3)(B)(iv)**

- ❑ School personnel (administrators, teachers, attendance officers, enrollment personnel) must be made aware of the specific needs of runaway and homeless youth.
11432(g)(1)(D)



School Stability

Each LEA shall, according to each child's or youth's best interest:

- ❑ Continue the student's education in the school of origin for the duration of homelessness, and until the end of the academic year in which the student becomes permanently housed; OR
- ❑ Enroll in any public school that housed students living where the student is living are eligible to attend.
- ❑ Applies when students lose housing during the year or during the summer. **11432(g)(3)(I)**



School Stability...continued

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School of origin:

- ❑ School attended when permanently housed or school in which last enrolled, **including a preschool.**
- ❑ The designated receiving school at the next grade level for feeder school patterns, when the student completes the final grade level served by the school of origin.

11432(g)(3)(I)



School Stability (continued)

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In determining best interest, the LEA shall:

- ❑ Presume that keeping the student in the school of origin is in the student's best interest.
 - ❑ Unless contrary to the request of the parent, guardian, or unaccompanied youth.
- ❑ Consider student-centered factors, including the impact of mobility on achievement, education, health, and safety.
- ❑ Give priority to the parent's /guardian's request.
- ❑ Give priority to the youth's request (in the case of an unaccompanied youth). **11432(g)(3)(B)(i)-(ii)**



School Stability (continued)

If the LEA determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent, guardian, or youth, the LEA **must** provide a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal. (Homeless Dispute Resolution)

11432(g)(3)(B)(iii)



Privacy and Homelessness

Information about a student's living situation that is maintained by the LEA is part of the student's record, subject to the protections of the Family Educational Rights and Privacy Act (FERPA).

Although an LEA or an educational institution may designate a student's address as directory information under FERPA, **under the McKinney- Vento Act, information regarding a student's living situation is not considered directory information (section 722(g)(3)(G)).**



Support for Academic Success: Transitioning to Higher Education

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- ❑ 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.

11432(g)(1)(k)

- ❑ Liaisons must ensure unaccompanied youth are informed of their status as independent students and may obtain assistance from the liaison to receive verification of that status. **11432(g)(6)(A)(x)(III)**



McKinney-Vento Liaisons

Liaisons must ensure that—

- ❑ School personnel providing McKinney-Vento services receive professional development and other support.
- ❑ Children, youth and families have access to and receive educational services for which they are eligible.
- ❑ Children, youth and families receive referrals to health care, dental, mental health, substance abuse, housing and other services.



McKinney-Vento Liaisons...continued

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Liaisons must ensure that—

- ❑ Disputes are resolved and assistance to access transportation is provided.
- ❑ Unaccompanied youth are enrolled in school and that procedures are implemented to identify and remove barriers.
- ❑ Liaisons must participate in professional development and technical assistance as determined appropriate by the State Coordinator. **11432(g)(1)(F)(ii)**



Transportation

LEAs must provide transportation to and from the school of origin, **including until the end of the year** when the student obtains permanent housing, at a parent's or guardian's request (or at the liaison's request for unaccompanied youth).

- ❑ If staying in the same LEA, that LEA must provide or arrange transportation to the school of origin.
- ❑ If crossing LEA lines, both LEAs must determine how to divide the responsibility and share the costs, or they must share the cost equally. **11432(g)(1)(J)(iii)**



Transportation

LEAs also must provide students in homeless situations with transportation services comparable to those provided to other students. **11432(g)(4)(A)**

LEAs must eliminate barriers to the identification, enrollment and retention of students experiencing homelessness (including transportation barriers). **11432(g)(1)(I)**



If Determination is not Homeless

Students should be enrolled while homelessness is being determined. If determined not homeless, then the applicant must be given a letter explaining the reason.

The applicant can request due process.

The LEA should follow the policies they have in place to address other forms of fraud.

Enter into the LEAs Homeless Dispute Resolution.



Dispute Resolution

If a dispute arises over eligibility, school selection or enrollment in a school:

- ❑ The student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute (including all available appeals).
- ❑ The parent, guardian or unaccompanied youth must be provided a written explanation of decisions made by the school, LEA or SEA, and how to appeal them.



Dispute Resolution...continued

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- ❑ The parent, guardian or youth must be referred to the liaison, who must carry out the dispute resolution process as expeditiously as possible.
- ❑ The liaison shall ensure unaccompanied youth are immediately enrolled pending resolution of the dispute.
11432(g)(3)(E)



Avoiding Disputes

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- ❑ Designate and train appropriate liaisons and school-based contacts.
- ❑ Rectify concerns raised during monitoring.
 - ❑ States are now required to monitor LEAs. **11432(f)(5)**
- ❑ Develop and implement good local policies on identification. **11432(g)(1)(J)(ii), (iv); 11432(g)(6)(A)(ix)**



Support for Academic Success: Participation and Credit Accrual

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- ❑ States must have procedures to eliminate barriers to academic and extracurricular activities, including magnet school, summer school, career and technical education, advance placement, online learning, and charter school programs. **11432(g)(1)(F)(iii)**

- ❑ 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. **11432(g)1(F)(ii)**
 - ❑ Liaisons must implement those procedures. **11432(g)(6)(A)(ix)**



Support for Success: Title IA

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- ❑ Amendments take effect 2017-18 school year.
- ❑ McKinney-Vento students attending any school in the LEA are automatically eligible for Title I.A services

20 USC 6315(c)(2)(E)

- ❑ Local plans must:
 - ❑ Be coordinated with McKinney-Vento programs.
 - ❑ Describe the services provided to McKinney-Vento students, including with reserved funds, to support their enrollment, attendance, and success.

20 USC 6312(a)(1); (b)(6)



ESSA and Foster Care



ESSA: Statutory Context for the Guidance

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ESSA included *significant* amendments to Title I, Part A designed to provide school stability and immediate enrollment to children in foster care.



Who is a Child in Foster Care?

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The Title I foster care provisions apply to ALL children in foster care enrolled in schools in the SEA.

- “Foster Care” means 24-hour substitute care for all children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility.
- Includes placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.
- A child in foster care regardless of whether the foster care facility is licensed and payments are made by the State, Tribal, or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made. **(45 C.F.R. § 1355.20(a)).**



Every Student Succeeds Act of 2015 (ESSA)

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- Reauthorizes and amends the Elementary and Secondary Education Act of 1965 (ESEA)
- Requires States to report on achievement and graduation rates for children in foster care
- Removed “awaiting foster care placement” from the definition of a homeless child or youth under the McKinney-Vento Homeless Assistance Act
- Includes new foster care provisions that complement requirements in the Fostering Connections Act
 - Emphasizes shared agency responsibility/decision making
 - All education stability provisions must be implemented by December 10, 2016



Foster Care ESSA Timeline

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December 10, 2016—

SEAs designate a point of contact for child welfare agencies, who may not be the McKinney-Vento State Coordinator.

Foster Care Coordinator

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Foster Care ESSA Timeline

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December 10, 2016—

LEA Title I Plan amendment:

- ❑ LEAs that receive Title I Part A funds must designate a point of contact for the local child welfare agency, if the local child welfare agency notifies the LEA, in writing, that it has designated a point of contact for the LEA.

Foster Care Liaisons, August Core Data, Screen 03



Joint Guidance: An Overview

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Best Interest Determinations

ESSA Requirements

State Title I Plans must describe the steps the SEA will take to ensure collaboration with the State child welfare agency to ensure the educational stability of children in foster care, including assurances that:

1. Foster youth remain in their school of origin, unless a determination is made that it is not in their best interest. Questions 10
2. Children can remain in the school of origin for their entire time in foster care, if it is determined to be in their best interest. Question 11
3. The best interest determination must be based on all factors, including:
 - Appropriateness of the current educational setting
 - Proximity to the school in which the child is enrolled at the time of placement.



Best Interest Determinations

Guidance Provisions – Questions 12-17

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- SEAS and State CWAs should establish uniform guidelines for local agencies
- LEAS and local CWAs should collaborate to develop a joint process for making best interest determinations
- Should consider multiple student-centered factors
 - Transportation costs should not be a factor
- Should consult child, if appropriate, any adults who have meaningful relationships with child



Best Interest Determinations

Guidance Provisions

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Who makes the school stability decision?

Dispute Resolution Questions 18-20

- If they can't come to an agreement, ultimate decision should reside with the CWA
- SEAs and LEAs should coordinate with CWAs to develop a dispute resolution process
- To the extent feasible and appropriate, a child must remain in his/her school of origin, while awaiting a decision, to reduce the number of school moves



Transportation Procedures

ESSA Requirements

LEAs must provide assurances that they will collaborate with State or Local CWAs to:

- Develop and implement clear written procedures for how transportation will be provided, arranged, and funded for the duration of the time in foster care
- Procedures must ensure that children will promptly receive transportation in a cost-effective manner in accordance with the Foster Connections Act
- Ensure that, if there are additional costs incurred in providing transportation to the school of origin, LEAs will provide transportation IF:
 - The local CWA agrees to reimburse the LEA
 - The LEA agrees to pay the cost; OR
 - The LEA and local CWA agree to share the cost



Transportation Procedures

Guidance Provisions – Questions 21-32

- Transportation must be provided in a “cost effective” manner, so low-cost/no-cost options should be explored
- Even if an LEA doesn’t transport other students, it must ensure that transportation is provided to children in foster care consistent with procedures developed in collaboration with CWAs
- Transportation is an allowable use of federal funds, both under Title IV-E of the Social Security Act and Title I of the ESEA
- All funding sources should be maximized to ensure costs are not unduly burdensome on one agency



Transportation Procedures Guidance Provisions

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- LEAS and CWAs should work together to agree on costs
- Transportation procedures should include a dispute resolution process if parties can't come to agreement
- SEAs and State CWAs should develop uniform statewide guidelines and procedures
- A child must remain in his or her school of origin while any dispute regarding transportation costs are being resolved



Immediate Enrollment ESSA Requirements

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SEAs must provide assurances that:

- If it's not in the child's best interest to stay in his or her school of origin, the student must be immediately enrolled in the new school, even if the child is unable to produce records normally required for enrollment
- The enrolling school shall immediately contact the school last attended to obtain relevant academic and other records



Immediate Enrollment Guidance Provisions – Question 33

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- A child cannot be denied enrollment because they don't have proper documentation
- Child should also be attending classes and receiving appropriate academic services
- SEAs and LEAs should review policies to remove barriers to immediate enrollment



Point of Contact (POC) ESSA Requirements

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- SEAs must provide an assurance that they will designate a POC for CWAs
- POC cannot be the McKinney-Vento State coordinator for homeless youth
- LEAs must provide an assurance that they will designate a POC for the corresponding CWA, if the CWA notifies the LEA, in writing, that it has designated a POC



Point of Contact (POC)

Guidance Provisions – Questions 34-37

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Both POC's

- Should have the capacity and resources to guide the implementation of the ESSA Provisions

SEA POCs

- Should be designated as soon as possible
- Responsibilities should include monitoring LEAs and coordinating with the State CWA to issue state guidelines

LEA POCs

- Should be designated as soon as possible – even if local CWAs haven't notified LEAs in writing
- Responsibilities should include coordinating with local CWAs to develop a process for implementation of ESSA provisions



Effective Collaboration Guidance Provisions

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To facilitate effective collaboration, SEAs, LEAs, and CWAs should:

Establish a structure for collaboration on the local level

Collaborate, as appropriate, across district, region, and state lines

Cross-train staff on the complex needs of children in foster care and the importance of educational stability

Establish formal mechanisms to ensure LEAs are notified when child enters care

Build capacity to collect and use data to support outcomes for children in foster care



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