



# Understanding ESSA in New York State



Presented by the New York State Technical and Education Assistance Center for Homeless Students (NYS-TEACHS)

## About NYS-TEACHS

- NYS-TEACHS: New York State Technical and Education Assistance Center for Homeless Students
- Funded by the New York State Education Department and housed at Advocates for Children of New York
- Provide technical assistance on homeless education issues. Our services include:
  - Hotline (800-388-2014)
  - Website ([www.nysteachs.org](http://www.nysteachs.org))
  - Webinars, Annual Workshops, and On-Site Trainings
  - Outreach Materials

## What do we already know?

True/False: All Local Education Agencies (LEAs) are required to appoint a McKinney-Vento liaison.

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## What do we already know?

Which of the following provisions are included in the ESSA reauthorization of MV?

ESSA includes:

- a. Continued enrollment *and* transportation pending a final decision on a dispute.
- b. Continued enrollment in the school of origin, including preschool.
- c. Increased privacy protections for students experiencing homelessness.
- d. All of the above.

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## What do we already know?

T/F: With MV reauthorization under ESSA, students are entitled to transportation to their school of origin through the remainder of the school year in which they become permanently housed.

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## What do we already know?

Which of the following is FALSE regarding college readiness and financial aid under MV as reauthorized by ESSA?

- a. Youth experiencing homelessness must be provided with assistance and advice from counselors to improve their college readiness.
- b. Liaisons must ensure that unaccompanied youth are informed of their independent status for the FAFSA and that they receive verification of this from the liaison.
- c. Students who are homeless and not on track to graduate in time forfeit their right to financial aid.

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## Key Takeaways

1. Liaisons must participate in **professional development** and **provide professional development** to others.
2. Children and youth who are homeless have the right to continue attendance in their school of origin, and under the new definition, **a school of origin includes preschool**.
3. A student who moves into permanent housing is entitled to **continued transportation** to and from their school of origin for the remainder of the academic year.
4. During the dispute resolution process, students are entitled to continued enrollment *and* transportation to and from school **pending a final decision** on the dispute.
5. There are **increased privacy protections** for address and housing information for students in temporary housing.
6. Liaisons must notify unaccompanied youth of their **eligibility for independent student status** for the Free Application for Federal Student Aid (FAFSA).

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## Session Agenda

Background & Context for What's New

Changes under the Every Student Succeeds Act (ESSA)

- Removing barriers to enrollment and participation in school
- Transportation to the school of origin through the remainder of the year in which the student becomes permanently housed
- Improving college readiness
- Modifying factors used in best interest decision-making for school selection
- Continued enrollment pending final resolution of Disputes
- Expansion of privacy protections
- Including preschool and feeder schools as "schools of origin"
- Expansion of McKinney-Vento Liaison responsibilities
- A role for MV Liaisons in affirming eligibility for HUD-funded assistance
- McKinney-Vento eligibility changes (Removal of "awaiting foster care placement" as of December 10, 2016)
- Other changes
- Title I, Part A (SY 2017-18)

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## Background on McKinney-Vento Protections



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## Barriers to Education for Homeless Children and Youth

- Stereotypes and lack of awareness.
- Under-identification.
- High mobility resulting in lack of school stability and educational continuity.
- Enrollment requirements (school records, health records, proof of residence, guardianship).
- Poor health, fatigue, hunger.
- Emotional trauma, depression, anxiety.
- Lack of transportation.
- Lack of school supplies, clothing, etc.

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

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## Research on School Stability

- Highly mobile students have lower test scores and worse overall academic performance than peers who do not change schools.
- Mobility also hurts non-mobile students; study found average test scores for non-mobile students were significantly lower in high schools with high student mobility rates.
- Students who changed high schools even once during high school were less than half as likely as stable students to graduate, even controlling for other factors.
- Hidden in Plain Sight: almost half of homeless students (49 percent) had to change schools, and many did so multiple times.

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

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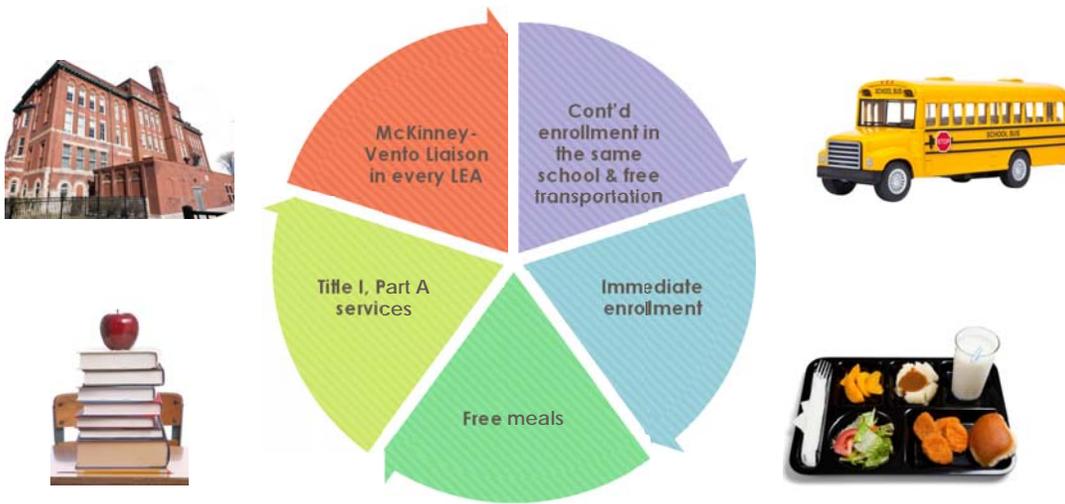
## McKinney-Vento Homeless Assistance Act

- First enacted in 1987
- Reauthorized in 2015 as a part of Every Student Succeeds Act
- McKinney-Vento Liaison required in every school district



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# Key McKinney-Vento Protections



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## Changes under the Every Student Succeeds Act (ESSA)



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## Removing Barriers to Enrollment and Full Participation in School

- Children and youth who are homeless must be enrolled in school immediately, **even if they have missed application or enrollment deadlines during any period of homelessness.** 42 U.S.C. § 11432[g][3][C][i]; U.S. Department of Education's Education for Homeless Children and Youths Program Non-Regulatory Guidance, Question I-5.
- LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of homeless students in school, including **barriers due to fees, fines, and absences.** 42 U.S.C. § 11432[g][1][I], Non-Regulatory Guidance, Questions A-4, I-5, I-6
- States must have procedures to ensure that children and youth who are homeless meet the relevant eligibility criteria **do not face barriers to accessing academic and extracurricular activities**, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State or local levels. 42 U.S.C. § 11432[g][1][F][iii], Non-Regulatory Guidance, Question I-6
- **Credit must be provided for full or partially completed coursework** completed while attending a prior school. 42 U.S.C. § 11432[g][1][F][ii], Non-Regulatory Guidance, Section 0

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## Transportation for the Remainder of the School Year after Permanently Housed

- LEAs must continue to provide transportation to and from the school of origin to formerly homeless students who have become permanently housed **for the remainder of the academic year during which the child or youth becomes permanently housed.** 42 U.S.C. § 11432[g][1][J][iii] & [g][3][A][i][iii], Non-Regulatory Guidance, Question J-5
- LEAs may use Title I, Part A funds to defray excess costs of transporting students who are homeless to and from their school of origin. 20 U.S.C. 6313(c)(3)(C)(ii)(II), Non-Regulatory Guidance, Question J-7
- For additional resources and strategies for providing transportation and ensuring school stability, please see: [http://nche.ed.gov/pr/incr\\_sch\\_stab.php](http://nche.ed.gov/pr/incr_sch_stab.php)



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## Supporting College Readiness

42 U.S.C. § 11432[g][1][K];  
Non-Regulatory Guidance,  
Section Q

- LEAs must provide youth who are homeless with assistance from counselors to advise youth and improve their readiness for college. Examples:
  - Credit recovery
  - Independent Student Status/Access to Financial Aid

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## School Selection & Best Interest Determinations

- ESSA specifies new factors that LEAs must take into consideration when making best interest determinations, placing greater emphasis on school stability and the wishes of the parent, guardian, or youth (in the case of an unaccompanied youth). *42 U.S.C. § 11432[g][3][B]; Non-Regulatory Guidance, Questions I-3 & I-4*
- If there is disagreement between the LEA and the parent/youth, the LEA must enroll the student in the district requested by the parent/youth.

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## New Dispute Resolution Requirements

42 U.S.C. § 11432[g][3][E][i];  
Non-Regulatory Guidance,  
Question J-4 & Section K

- If a dispute arises over eligibility, school selection or enrollment, the child or youth must be immediately enrolled in the school in which the parent, guardian or unaccompanied youth seeks enrollment, pending **resolution of the dispute, including all available appeals**.
- In the case of a dispute, written explanations must be provided of decisions related to school selection or enrollment made by the school, LEA or SEA, including the right to appeal.

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## Expanded Student Privacy Rights Under FERPA

42 U.S.C. § 11432[g][3][G];  
Non-Regulatory Guidance,  
Questions A-6, A-7, A-8

- Information about the living situation of a student who is homeless is part of the student's record, subject to the protections of the Family Educational Rights and Privacy Act (FERPA).
- FERPA rights transfer to the student when he or she turns 18.
- FERPA prohibits an LEA from disclosing personally identifiable information from students' education records without consent of parent or eligible student.
- **Under McKinney-Vento, information about the living situation of a child who is homeless (e.g. address, housing status) must be provided the same privacy protections under FERPA.**
- This does not change a district's obligation to forward records to a new LEA for purposes of enrollment.

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# Expanding Definition of “School of Origin”

42 U.S.C. § 11432[g][3][I];  
Non-Regulatory Guidance,  
Questions I-1, N-4, N-5

- Students experiencing homelessness can attend a “school of origin” (school attended when student was last permanently housed or school last enrolled) or local school.
  - **Preschool**  
“School of origin” means the school that a child or youth attended when student was permanently housed or the school in which the child or youth was last enrolled, **including a preschool.**
  - **Feeder Schools**  
**When the child or youth completes the final grade level served by the school of origin, the term “school of origin” includes the designated receiving school at the next grade level for all feeder schools.**

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# MV Liaison Responsibilities are Expanding:

42 U.S.C. § 11432[g][6][A]; Non-Regulatory  
Guidance, Section F & Questions L-3, Q-2

Liaisons must ensure that:

- Children and youths who are homeless are identified by school personnel through **outreach** and coordination activities with other entities and agencies;
- Children and youths who are homeless are enrolled in, and have full and equal opportunity to succeed in, the school or schools of the LEA;
- Families, children and youths who are homeless have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (**including Early Head Start programs**), **early intervention services under Part C of the IDEA**, and other preschool programs administered by the LEA;
- **Families, children, and youths who are homeless** receive referrals to health, dental, mental health, and **substance abuse services, housing services**, and other appropriate services;
- Parents or guardians of children and youths who are homeless are informed of educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- Public notice of the educational rights of students who are homeless is disseminated in locations frequented by parents and guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, **in a manner and form understandable to the parents and guardians and unaccompanied youths**;
- Enrollment disputes are mediated in accordance with the requirements of the McKinney-Vento Act;
- Parents and guardians and unaccompanied youths are fully informed of all transportation services, including transportation to and from the school of origin and are assisted in accessing transportation services;
- **School personnel receive professional development and other support**; and
- **Unaccompanied youths are enrolled in school, have opportunities to meet the same challenging State academic standards as the State establishes for other children and youths, including identifying and removing barriers to receiving credit for full or partial coursework completed; are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (HEA) (20 U.S.C. 1087vv), and their right to receive verification of this status from the local liaison.**

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## More about the Liaison's Role

42 U.S.C. § 11432[g][6][B]

- Liaisons must also inform 1) parents and guardians of students who are homeless and 2) children and youth experiencing homelessness of the duties of the McKinney-Vento Liaisons
- Liaisons must inform school personnel, services providers, and advocates working with families who are homeless of the duties of the McKinney-Vento Liaisons.

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### What is "Public Notice"?

"Public notice of the educational rights of homeless students is disseminated in locations frequented by parents and guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, **in a manner and form understandable to the parents and guardians and unaccompanied youths**"

- NYS-TEACHS has new posters and brochures that will be available this fall.
- Brochures are printed in English and Spanish. Posters are free and will be available to order in 10 languages:
  - English
  - Spanish
  - Arabic
  - Bengali
  - Chinese
  - Haitian-Creole
  - Korean
  - Russian
  - Urdu
  - French

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## What type of Professional Development?

“School personnel receive professional development and other support”

- All LEAs are required to participate in training.
- Liaisons must turn-key trainings to district staff.
- Upcoming training dates, both on-site and web-based, are posted at: [www.nysteachs.org/trainings](http://www.nysteachs.org/trainings)
- NYS-TEACHS Tip sheet series
- [www.nysteachs.org](http://www.nysteachs.org)
- McKinney-Vento Registration Video

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## Ensuring Unaccompanied Youths Have Opportunities in School & Access to Higher Education

“...unaccompanied youths are enrolled in school, have opportunities to meet the same challenging State academic standards as the State establishes for other children and youths, are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (HEA) (20 U.S.C. 1087vv), and their right to receive verification of this status from the local liaison.”

- Clarifying the Definition of Unaccompanied Youth: Includes a homeless child or youth not in the physical custody of a parent or guardian.
  - Meets McKinney-Vento definition of homeless +
  - Not in physical custody of parent or guardian.
- Unaccompanied homeless youths must be informed of their status as independent students for college financial aid for the FAFSA.
- Liaisons must ensure that 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.

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## More on FAFSA and Students Who Are Homeless

- Youth who meet the definition of “independent student” can complete the FAFSA without parental income information or signature.
- Unaccompanied youth are automatically considered independent students.
  - Must be determined to be unaccompanied and homeless after July 1 of the prior year.
- Youth who are unaccompanied, at risk of homelessness, and self-supporting are also automatically considered independent students.
  - Must be determined as such during the school year in which the application is submitted.

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

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## The FAFSA (cont.)

- Determination must be made by:
  - McKinney-Vento school district liaison (while student is in high school and after, for as long as liaison has information necessary to make the determination),
  - HUD homeless assistance program director/designee
  - Runaway and Homeless Youth Act program director or designee, or
  - a financial aid administrator.
- Youth who have been in foster care at any time after age 13 are also automatically independent.
- More info and sample letters are available at: <http://www.naehcy.org/educational-resources/higher-ed>

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

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# Access to HUD-funded Assistance

42 U.S.C. § 11432[g][6][D]:  
Non-Regulatory Guidance,  
Questions L-4 & L-5

- Local liaisons are authorized to affirm whether children and youth meet the U.S. Department of Housing and Urban Development (HUD) definition of homelessness, to qualify them for HUD homeless assistance programs.
- Liaisons must receive training to determine that the student is homeless under HUD's definition of homeless (which differs from the McKinney-Vento definition).
- Liaisons must refer families and students who are homeless to housing services, in addition to other services.

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# Updated McKinney-Vento Eligibility Criteria

42 U.S.C. § 11434A[2][B]:  
Non-Regulatory Guidance,  
Questions A(1-3)

Children and youth who lack a nighttime residence that is **fixed, regular, and adequate**, including those:

- **Sharing the housing of others** due to loss of housing, economic hardship or other similar reason
- Living in **motels, hotels, trailer parks, camping grounds** due to the lack of alternative adequate accommodations
- Living in **emergency or transitional shelters**
- Abandoned in hospitals
- Awaiting foster care placement (**until 12/10/16**)
- Living in a public or private place not designed for sleeping
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, etc.
- Migratory living in circumstances described above

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# Emphasis on Improving Identification of Homeless Children and Youth

- LEAs must review and revise policies that may act as barriers to the **identification** of children and youth experiencing homelessness (in addition to barriers to enrollment of such children and youth, which previously was included in the McKinney-Vento Act prior to ESSA) *42 U.S.C. § 11432[g][7][A]; Non-Regulatory Guidance, Questions A-4, J-1*
- LEAs must give special attention to ensure the **identification** of children and youth experiencing homelessness who are not currently attending school (in addition to giving special attention to the enrollment and attendance of such children and youth, which previously was included in the McKinney-Vento Act prior to ESSA) *42 U.S.C. § 11432[g][7][C]*

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# Identification Strategies

- Avoid using the word "homeless" with school personnel, families, or youth.
- Provide awareness activities for school staff (registrars, secretaries, counselors, nurses, teachers, tutors, bus drivers, security officers, drop out prevention specialists, attendance officers, administrators, etc.).
  - <http://www.naehcy.org/educational-resources/videos>
  - [http://center.serve.org/nche/web/online\\_tr.php](http://center.serve.org/nche/web/online_tr.php)
- 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://nysteachs.org/materials/out-materials.html>

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

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## Identification Strategies (cont.)

- Coordinate with community service agencies, such as shelters, soup kitchens, law enforcement, legal aid, public assistance and housing agencies, mental health agencies and public health departments.
- Coordinate with youth-serving agencies, such as drop-in centers, street outreach, child welfare, juvenile courts, teen parent programs, LGBTQ youth organizations.
- Make special efforts to identify preschool children, including asking about siblings of school-aged children.
- Use enrollment and withdrawal forms to inquire about living situations.

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

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## Other Changes to McKinney-Vento Under ESSA

- LEAs must coordinate special education services for students protected under the McKinney-Vento Act and the Individuals with Disabilities Education Act. *42 U.S.C. § 11432[g][5][D]*
- LEAs must collect and provide data to the Department on students experiencing homelessness. *42 U.S.C. § 11432[g][6][C]*

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# All LEAs Must Do a Title I, Part A set-aside

20 U.S.C. § 6313(c)(3)

- Requirement begins in school year 2017-18
- The amount of Title I funds reserved for children and youth who are homeless may be determined based on a needs assessment, and must be based on the total allocation received by the LEA and reserved prior to any allowable expenditures or transfers by the LEA.
- Title I funds reserved for children and youth who are homeless may be used for services not ordinarily provided by Title I, including local liaisons and transportation to the school of origin.
- For examples of permissible uses of funds, please see:  
<http://www2.ed.gov/programs/homeless/homelesscoord0815.pdf>

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## Key Takeaways

1. Liaisons must participate in professional development and provide professional development to others.
2. Children and youth who are homeless have the right to continue attendance at their schools of origin, which includes preschools.
3. A student who moves into permanent housing is entitled to transportation to and from their school of origin for the remainder of the academic year.
4. During the dispute resolution process, students are entitled to continued enrollment *and* transportation pending a final decision.
5. There are increased privacy protections for address and housing information for students in temporary housing.
6. Liaisons must notify unaccompanied youth of their eligibility for independent student status for the Free Application for Federal Student Aid (FAFSA).

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## Useful Links to Laws and Non-Regulatory Guidance

- McKinney-Vento Act as Reauthorized by the Every Student Succeeds Act:  
<http://www.naehcy.org/sites/default/files/dl/legis/NewMV2015clean.pdf>
- U.S. Department of Education Non-Regulatory Guidance:  
<http://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>

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**NYS-TEACHS**  
**800-388-2014**  
[www.nysteachs.org](http://www.nysteachs.org)



We are available to address  
your questions 9 am – 5 pm,  
Mondays –Fridays.

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