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Office of P-12 Education

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To: District Superintendents
Superintendents of LEAs and Charter Schools
Non-Public School Administrators

From: Ira Schwartz 

Subject: Applications for Hurricane and Disaster Relief Funding

Date: May 8, 2018

Earlier this month, the United States Department of Education (USDE) announced two hurricane and disaster relief programs authorized by the Bipartisan Budget Act of 2018:

- The Temporary Emergency Impact Aid for Displaced Students (Emergency Impact Aid) Program
- The Assistance for Homeless Children and Youth Program

The New York State Education Department (NYSED or "the Department") intends to submit applications to USDE for both funding opportunities by the May 25, 2018 deadline. This memo is intended to provide background information about each of these federal grant programs and to identify how NYSED will collect critical information from Local Educational Agencies (LEAs) and non-public schools to support our application for additional federal funds.

Background Information

The Temporary Emergency Impact Aid for Displaced Students (Emergency Impact Aid) Program will provide assistance to LEAs and non-public schools that have enrolled students displaced during the 2017-18 school year by Hurricanes Harvey, Irma or Maria or the 2017 California wildfires ("a covered disaster or emergency").

USDE will award grants to eligible State Educational Agencies (SEAs) based on quarterly counts of displaced students, as defined in Attachment 1. SEAs will then provide payments to eligible LEAs to assist with the cost of educating students who were displaced by a covered disaster or emergency during the 2017-18 school year and who were enrolled in public schools, including charter schools, and non-public schools. SEAs apply for grants based on data that they collect from LEAs that have provided educational services for displaced students. The parents of non-public school displaced students submit applications to the LEAs in which the non-public school is located; the LEAs must then submit data and the applications from the parents of qualified non-public school students to SEAs in order for LEAs to receive funding.

USDE will use the enrollment data that are included in the initial and final SEA applications to make payments under the Emergency Impact Aid program. The statute specifies that the annual per pupil amounts shall be the sum of \$9,000 for each displaced student who is an English Language Learners, as that term is defined in section 8101 of the Elementary and Secondary Education Act of 1965; \$10,000 for each displaced student who is reported as a child with a disability; and \$8,500 for each student who is not reported as a child with a disability or an English Language Learner. LEAs will receive a reduced amount for students who are enrolled in schools in the district for less than a full year.

USDE may reduce payments to SEAs if there are not enough funds to pay the full amounts claimed by SEAs on behalf of their LEAs. In the case of a displaced student who is enrolled in a non-public school, the total amount of a payment on behalf of a displaced student enrolled in a non-public school may not exceed the lesser of the above per pupil amounts or the cost of tuition and fees (and transportation expenses, if any) at the non-public school for the 2017-18 school year.

If parents have submitted applications on behalf of displaced children who are attending eligible non-public schools, LEAs will be responsible for providing funds to the non-public schools to distribute to parents as reimbursement for tuition. The remainder of the funds LEAs receive will be used to provide educational services for displaced students attending their public schools. Payments received must be used for expenses for the 2017-18 school year only.

The Assistance for Homeless Children and Youth Program will provide assistance to LEAs to support the needs of homeless students displaced by a covered disaster or emergency. Under the Assistance for Homeless Children and Youth program, Congress appropriated \$25 million for LEAs to address the needs of homeless students displaced by a covered disaster or emergency. USDE will award funds to SEAs, which will then award subgrants to LEAs, based on demonstrated need and the number of homeless children and youth enrolled because of displacement by a covered disaster or emergency. LEAs will use the funds awarded to support activities that are allowable under section 723 of the McKinney-Vento Homeless Assistance Act. For additional information about the McKinney-Vento Homeless Assistance Act please see: http://www.nysteachs.org/media/INF_LP_Fed_MV.pdf.

In the Assistance for Homeless Children and Youth SEA application, NYSED must submit data on: (1) the total number of displaced students enrolled in public schools who are also homeless, as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act, and (2) additional information on demonstrated need for funding, including data on the total number of homeless children and youth, as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act, who were enrolled in public schools in the State during the 2017-18 school year, whose primary nighttime residence changed as a result of the covered disaster or emergency, and who do not meet the definition of a displaced student. USDE will use the data included in the SEA application to determine funding amounts.

It is important to note that unlike The Temporary Emergency Impact Aid for Displaced Students (Emergency Impact Aid) Program, The Assistance for Homeless Children and Youth Program does not include an equitable services requirement for non-public school students.

Next Steps

The applications for these federal programs will require NYSED to collect information from LEAs and non-public schools that has not been a part of previous survey collection efforts. As a result, the Department will engage in the following steps:

- NYSED will utilize the data that has been collected throughout the 2017-2018 school year via the Office of Bilingual Education and World Languages weekly survey tool for the initial application submission to USDE.¹
- NYSED will publish a new data collection survey titled “*Hurricane and Disaster Relief Funding*” to all LEAs via the SEDMonitoring platform within the next 10 days to collect data consistent with the requirements of both funding opportunities.
- LEAs will be required to complete the survey by June 15, 2018. LEAs must complete the survey even if the LEA has not enrolled and/or served any students displaced by Hurricanes Harvey, Irma or Maria or the 2017 California wildfires.
- LEAs must respond to the “*Hurricane and Disaster Relief Funding*” survey in order to be awarded funds.
- LEAs must contact all non-public schools within the district’s boundaries to notify them of the availability of funding under The Temporary Emergency Impact Aid for Displaced Students (Emergency Impact Aid) Program and to identify if eligible displaced students have been served by the non-public school during the 2017-2018 school year.
- LEAs must review documentation to verify the eligibility of any non-public school students included in counts in this application as meeting the definition of displaced students. NYSED will disseminate forms that will be used by parents and non-public schools to apply for funding under this program.
- NYSED will compile the data collected from the “*Hurricane and Disaster Relief Funding*” surveys and submit an updated application to USDE by June 29, 2018.
- NYSED will make awards to eligible LEAs upon receipt of funds from USDE.

To support the timely and accurate completion of this work, NYSED will host webinars for the field once additional information is made available by USDE. Detailed information about the dates, times, and connectivity requirements will be shared as soon as they are finalized.

If you have any questions about the two hurricane and disaster relief programs or the identified next steps, please contact the Title I School and Community Services Office at 518-473-0295 or by email at conappta@nysed.org.

¹ During the process outlined above, NYSED will not require LEAs to complete the “Disaster Displaced Student Survey” that was communicated via the NYSED Weekly for 4/26/18. After June 15, 2018, NYSED will resume its weekly collection of student data, including their grade levels and the ELL education programs in which they have been placed, using the “Disaster Displaced Student Survey.” Data submitted to this survey will continue to inform NYSED supports, including the awarding of supplementary Title III funding.

Attachment 1: Definitions of Key Terms

DISPLACED STUDENT

The term "displaced student" means a student who enrolled in an elementary school or secondary school (other than the school that the student was enrolled in, or was eligible to be enrolled in, on the date that is one week prior to the date that the major disaster or emergency was declared for the area) because such student resides or resided on the date that is one week prior to the date that the major disaster or emergency was declared for the area, in an area for which a major disaster or emergency declared by the President in accordance with section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to a covered disaster or emergency.

Section 107(b)(1) of Title IV of Division B of Public Law 109-148, as modified by Division B, Subdivision 1, Title VIII of P.L. 115-123, the "Bipartisan Budget Act of 2018.

A student is eligible if he/she resided in a designated county seven days prior to a declaration of a major disaster. The designated Federal Emergency Management Agency (FEMA) website can be used to determine specific counties designated as part of the disaster.

1. Did the student reside in **CALIFORNIA** on October 3, 2017 but was displaced because of wildfires? If yes, go to California Wildfires to determine if he/she came from a designated county. <https://www.fema.gov/disaster/4344>
2. Did the student reside in **TEXAS** on August 18, 2017 but was displaced because of Hurricane Harvey? If yes, go to Texas Hurricane Harvey to determine if he/she came from a designated county. <https://www.fema.gov/disaster/4332>
3. Did the student reside in the **VIRGIN ISLANDS** on August 31, 2017 but was displaced because of Hurricane Irma? If yes, go to Virgin Islands Hurricane Irma to determine if he/she came from a designated county. <https://www.fema.gov/disaster/4335>
4. Did the student reside in **PUERTO RICO** on September 3, 2017 but was displaced because of Hurricane Irma? If yes, go to Puerto Rico Hurricane Irma to determine if he/she came from a designated county. <https://www.fema.gov/disaster/4336>
5. Did the Student reside in **FLORIDA** on September 3, 2017 but was displaced because of Hurricane Irma? If yes, go to Florida Hurricane Irma to determine if he/she came from a designated county. <https://www.fema.gov/disaster/4337>
6. Did the student reside in **GEORGIA** on September 8, 2017 but was displaced because of Hurricane Irma? If yes, go to Georgia Hurricane Irma to determine if he/she came from a designated county. <https://www.fema.gov/node/315396>
7. Did the student reside in **PUERTO RICO** on September 13, 2017 but was displaced because of Hurricane Maria? If yes, go to Puerto Rico Hurricane Maria to determine if he/she came from a designated county. <https://www.fema.gov/disaster/4339>
8. Did the student reside in the **VIRGIN ISLANDS** on September 13, 2017 but was displaced because of Hurricane Maria? If yes, go to Virgin Islands Hurricane Maria to determine if he/she came from a designated county. <https://www.fema.gov/disaster/4340>

HOMELESS STUDENT

Under section 725(2) of the McKinney-Vento Act, the term “homeless children and youths” is defined as individuals who lack a fixed, regular, and adequate nighttime residence. The term includes:

- Children and youths who are:
 - sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as “doubled-up”);
 - living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
 - living in emergency or transitional shelters; or
 - abandoned in hospitals;
- Children and youths who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless because they are living in circumstances described above.

Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11434a)

ELIGIBLE LOCAL EDUCATIONAL AGENCY

An LEA is eligible to receive funds if it:

- Enrolls or enrolled at least one homeless or displaced student on a date on which a child count is taken under this program; or
- Serves an area in which at least one homeless or displaced non-public school child is enrolled on a date on which a count is taken.

ELIGIBLE NON-PUBLIC SCHOOL

The term “eligible non-public school” means a non-public elementary school or secondary school that is accredited or licensed or otherwise operates in accordance with State law, was in existence on February 9, 2018 and serves a homeless or displaced student on behalf of whom an application for an account has been made pursuant to subsection (c)(2)(A)(ii).