



“10 in 10” Orientation Tutorial for New State Coordinators

Module 8: Legislative
Policies that Impact
Homeless Children and
Youth in School



10 10-Minute Modules to Orient You to Your New Position



About the “10 in 10” Module Series



NCHE’s “10 in10” module series for new State Coordinators for homeless education

- ❑ Provides 10 short modules that cover essential topics to orient you to your new position;
- ❑ Is based on information in NCHE’s more comprehensive *State Coordinators’ Handbook* available for download at http://center.serve.org/nche/pr/sc_hb_2010.php;
- ❑ Includes links to additional resources; and
- ❑ Includes Questions to Consider and a Wrap Up to reinforce key points and help you develop your work plan.



Module 8: Overview



State Coordinators will learn about the following laws that authorize services for homeless children and youth in schools:

- ❑ Title I, Part A;
- ❑ Child Nutrition and WIC Reauthorization Act of 2004;
- ❑ Family Educational Rights and Privacy Act; and
- ❑ Individuals with Disabilities Education Act.



Title I, Part A



- ❑ Title I, Part A of the Elementary and Secondary Education Act (ESEA) is designed to meet the educational needs of low-achieving children in schools with high levels of poverty.
- ❑ Homeless students are automatically eligible for services.
- ❑ Local education agency (LEA) Title I, Part A plans must describe how services for homeless students are coordinated and integrated with the McKinney-Vento program.



Title I, Part A



- ❑ Targeted assistance programs are required to coordinate with federal, state, and local service programs, including housing, nutrition, and violence prevention programs.
- ❑ Each LEA receiving Title I, Part A funds must reserve (set aside) funds as necessary to provide services to homeless children who are attending non-Title I schools.
- ❑ LEAs may provide a wide variety of educationally related support services to homeless students.
 - Services may be provided at shelters or other locations where the students live.



Title I, Part A



- ❑ In addition to serving homeless students not attending Title I, Part A schools, the U.S. Department of Education *Non-Regulatory Guidance* states that set-aside funds can also be used to provide services to homeless students who are attending Title I, Part A schools.
- ❑ Before using set-aside funds, LEAs should consider resources available from other sources.



Title I, Part A – New Provisions for the 2014-2015 School Year



- ❑ The Consolidated Appropriations Act of 2014 conferred two new authorities related to expenditures for Title I, Part A funds.
- ❑ Title I, Part A funds can be used to support
 - The position of the local homeless liaison and
 - Transportation of homeless students to and from the school of origin.
- ❑ For guidance on how these new provisions can be implemented, review ED's Dear Colleague Letter issued March 21, 2014:
<http://center.serve.org/nche/downloads/title-i-dcl-mar-2014.pdf>



Questions to Consider



1. Where can you find information on how much money LEAs with Title I, Part A programs set aside for homeless students?
2. How do LEAs determine the amount of funds to set aside for homeless students and on what the funds will be spent?
 - o The local liaison and Title I coordinator should make these determinations jointly after a review of the data on homeless children and youth in the LEA.

(Your state Title I coordinator would be an important source of information on how Title I, Part A programs serve homeless students.)



Links to More Information on Title I, Part A



- ❑ NCHE Brief: *Serving Students Experiencing Homelessness under Title I, Part A*,
<http://center.serve.org/nche/downloads/briefs/titlei.pdf>
- ❑ Education for Homeless Children and Youth Program
Non-Regulatory Guidance (2004)
<http://www2.ed.gov/programs/homeless/guidance.pdf>
- ❑ Non-Regulatory Guidance: *Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students*
<http://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>



Child Nutrition and the WIC Reauthorization Act of 2004



- ❑ Homeless, runaway, and migrant children are categorically eligible for free meal benefits under the National School Lunch and School Breakfast Program.
- ❑ Homeless students can receive free meals without families completing an application with the following documentation:
 - The student's name and additional information, such as birth date or unique student identifier;
 - A signed statement from the local liaison or director of a homeless shelter where the student resides; and
 - The date the student was identified as homeless.



Links to More Information on Access to Child Nutrition and Homeless Students



- ❑ Child Nutrition and WIC Reauthorization Act of 2004
http://center.serve.org/nche/downloads/nutrition_act_2004.pdf
- ❑ USDA Interim Rule: Direct Certification and Certification of Homeless, Migrant, and Runaway Children for Free School Meals (2011)
<http://www.fns.usda.gov/cnd/governance/regulations/2011-04-25.pdf>
- ❑ Issue Brief: *Access to Food for Homeless and Highly Mobile Students*
<http://center.serve.org/nche/downloads/briefs/nutrition.pdf>



Family Educational Rights and Privacy Act (FERPA)



- Federal law that protects the privacy of student education records.
 - Gives parents certain rights with respect to children's educational records.
 - Rights transfer to "eligible students," defined as those who have reached the age of 18.



Family Educational Rights and Privacy Act (FERPA)



- ❑ Prohibits a school from disclosing personally identifiable information from students' educational records without the consent of a parent of eligible student, unless an exception to FERPA's general consent rule applies.
- ❑ Generally, schools must have written permission from the parent or eligible student to release information from a student's education record.



Family Educational Rights and Privacy Act (FERPA)



- However, FERPA allows schools to disclose records without consent to the following parties or under the following conditions:
 - School officials with legitimate educational interest,
 - Other schools to which a student is transferring, if the sending school includes its intent to send records to a receiving school in its annual notification of rights,
 - Specified officials for audit or evaluation purposes,
 - Appropriate parties in connection with financial aid for a student,
 - Appropriate officials in cases of health and safety emergencies, or
 - To comply with a judicial order or lawfully issued subpoena.



Family Educational Rights and Privacy Act (FERPA)



- ❑ Schools may disclose, without consent, directory information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.
 - Schools must inform parents and eligible students and allow them to opt out.
- ❑ Schools must notify parents annually of their rights under FERPA.



Link to More Information on FERPA



- ❑ Family Policy Compliance Office, U.S. Department of Education, FERPA information
<http://www2.ed.gov/policy/gen/guid/fpc/index.html>
- ❑ Forum Guide to the Privacy of Student Information: A Resource for Schools
http://nces.ed.gov/pubs2006/stu_privacy



Individuals with Disabilities Education Act (IDEA)



- ❑ IDEA ensures that all children with disabilities receive a free, appropriate public education, including special education and related services, to prepare them for further education.
- ❑ IDEA specifically mentions and observes the McKinney-Vento Act's definition of *homeless*.
- ❑ Child Find requirements in IDEA mandate that states identify, locate, and evaluate children with disabilities who are homeless.



Individuals with Disabilities Education Act (IDEA)



- ❑ LEAs must complete initial evaluations for special education services within 60 days of a parent's request, or within the timeframe established by the state.
- ❑ If a child changes LEAs while an evaluation is in process, the evaluation must be completed within the standard timeframe unless the LEA is making sufficient progress to ensure a prompt completion of the evaluation and the parent and LEA agree to a revised timeframe within which it will be completed.



Individuals with Disabilities Education Act (IDEA)



- When children with Individualized Education Programs (IEPs) change LEAs during the school year, the new LEA must immediately provide a free, appropriate public education, including services comparable to those described in the previous IEP, in consultation with the parents.



Individuals with Disabilities Education Act (IDEA)



- ❑ An unaccompanied homeless youth may have someone who meets the definition of parent in IDEA.
- ❑ If no such person exists, LEAs must appoint a surrogate parent and make reasonable efforts to do so within 30 days.
 - In the interim, LEAs should appoint a temporary surrogate parent.



Links to More Information on IDEA



- ❑ Issue Brief: *Individuals with Disabilities Education Improvement Act (IDEA) of 2004: Provisions for Homeless Children and Youth*
<http://center.serve.org/nche/downloads/briefs/idea.pdf>
- ❑ *Questions and Answers on Special Education and Guidance*, U.S. Department of Education
<http://www2.ed.gov/policy/speced/guid/spec-ed-homelessness-q-a.pdf>



Wrap Up



Upon completing Module 8, new State Coordinators should be able to answer the following questions:

1. Which homeless students are eligible for Title I, Part A services?
2. What is the purpose of Title I, Part A set aside funds for homeless students?
3. What documentation is needed to enable a homeless child or youth to receive free meals?
4. What is the purpose of FERPA?
5. In what ways does IDEA address the needs of homeless and highly mobile children with disabilities who transfer from one LEA to another?