



“10 IN 10”

ORIENTATION TUTORIAL FOR NEW STATE COORDINATORS FOR THE EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM

10 TEN-MINUTE MODULES

MODULE 6: FEDERAL LEGISLATION BEYOND THE MCKINNEY-VENTO ACT

MODULE 6 OVERVIEW

In Module 6, State Coordinators will learn about federal laws impacting children and youths experiencing homelessness, including

- Title I, Part A
- Individuals with Disabilities Act
- Higher Education Opportunity Act
- Homeless Emergency Assistance and Rapid Transition to Housing Act
- Improving Head Start for School Readiness Act of 2007
- Runaway and Homeless Youth Act
- Child Nutrition and WIC Reauthorization Act of 2004
- Family Educational Rights and Privacy Act

Links to the laws and resources are included for each.

Abbreviations used in this module:

ED – U. S. Department of Education

EHCY – Education for Homeless Children and Youth

LEA – Local educational agency

Local liaison – LEA local homeless liaison

NCHE – National Center for Homeless Education

SEA – State educational agency



IMPORTANCE OF UNDERSTANDING OTHER FEDERAL LAWS

- Many federal laws include provisions that specifically address rights and services for children and youth experiencing homelessness.
- State Coordinators need to ensure that the SEA and LEAs are aware of these laws and follow the laws when serving children and youth experiencing homelessness.
- These laws have implications for how the McKinney-Vento Act is implemented and for how to coordinate services across programs.



TITLE I, PART A OF ESEA [20 U.S.C. § 6311 *et seq.*]

- 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. Students experiencing homelessness are automatically eligible for services under Title I, Part A.
- LEA Title I, Part A plans must describe how services for homeless students are coordinated and integrated with other programs, including the McKinney-Vento program. [20 U.S.C. § 6312(a)(1)(B)]*

**Text on the provisions in the law has been shortened for brevity. Read the full text of the law for exact language and details. Links to each law and other resources are included throughout this section.*



TITLE I, PART A OF ESEA

- LEAs must reserve funds as are necessary to provide services comparable to those provided to other children under Title I to serve children and youth experiencing homelessness. [20 U.S.C. § 6313(c)(3)(A)]
- Funds reserved for children and youth experiencing homelessness may be used to provide these children and youth with services not ordinarily provided to other students under this part, including providing
 - Funding for the local liaison
 - Transportation to and from the school of origin [20 U.S.C. § 6313(c)(3)(C)(ii)]



TITLE I, PART A OF ESEA RESOURCES

- [Title I, Part A \(20 U.S.C. 6311 et seq.\)](#)
- [Non-regulatory Guidance, 2016, M-4](#)
- [NCHE Brief: Serving Students Experiencing Homelessness Under Title I, Part A](#)



INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEA) [20 U.S.C. § 1400 *et seq.*]

- All students with disabilities must receive a free and appropriate public education (FAPE), including special education and related services to prepare them for further education, employment, and independent living.
- IDEA includes a definition of children and youth experiencing homelessness covered under the McKinney-Vento Act.
- The Child Find provisions in IDEA include a requirement that states ensure that children and youth experiencing homelessness who have disabilities are identified, located, and evaluated.
- Every state receiving IDEA funds must maintain a State Advisory Panel; states must include state and local McKinney-Vento personnel.
- LEAs must ensure that assessments of children who change LEAs during the school year are coordinated with prior schools expeditiously to ensure prompt completion of full evaluation.



INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEA)

- When children with current Individual Education Programs (IEPs) change LEAs during the school year, the new LEA must provide the children with FAPE immediately, including services comparable to those described in the previous IEP, in consultation with the parents.
- For unaccompanied youths, LEAs must appoint surrogate parents and make reasonable efforts to complete the appointment process within 30 days. Temporary surrogate parents may be appointed when needed.
- Any state receiving a Part C grant must make early intervention services available to infants and toddlers with disabilities and their families who are experiencing homelessness.
- Any state receiving a Part C grant must establish a State Interagency Coordinating Council, which must include a representative of the state office of the coordinator for the EHCY program.



INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEA) RESOURCES

- [Individuals with Disabilities Education Improvement Act](#)
- NCHE Brief: [Supporting Homeless Children and Youth with Disabilities](#)
- Office of Special Education and Rehabilitative Services and Office of Elementary and Secondary Education [Questions and Answers on Special Education and Homelessness](#)



HIGHER EDUCATION OPPORTUNITY ACT [20 U.S.C. § 1087vv]

- Independent students may complete the Federal Application for Federal Student Aid (FAFSA) without parental information.
- The definition of independent student includes unaccompanied students experiencing homelessness.
- Documentation of independent student status may be made by a local liaison, director of an emergency shelter or transitional housing program funded by the U.S. Department of Housing and Urban Development, or director (or designee) of a runaway and homeless youth basic center or transitional living program. (FAFSA Application and Verification Guide)



HIGHER EDUCATION OPPORTUNITY ACT RESOURCES

- [FAFSA Application and Verification Guide](#)
- [Higher Education Opportunity Act of 1965](#) (See 20 U.S.C. § 1087vv – Definition of Independent Student)



HOMELESS EMERGENCY ASSISTANCE AND RAPID TRANSITION TO HOUSING (HEARTH) ACT [42 U.S.C. § 11301 *et seq.*]

- The HEARTH Act amended the broader McKinney-Vento Homeless Assistance Act, which includes the definition of homeless followed by programs funded by the U.S. Department of Housing and Urban Development (HUD).
- The [definition of homeless](#) in the HEARTH Act is less expansive than the education definition that is established in Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, as reauthorized by Title IX, Part A of ESSA, and used by U.S. public schools.
- The HEARTH Act added new and updated requirements for HUD programs to coordinate with education programs, referred to as *education assurances*.



HOMELESS EMERGENCY ASSISTANCE AND RAPID TRANSITION TO HOUSING (HEARTH) ACT RESOURCES

- [McKinney-Vento Homeless Assistance Act, as amended by the HEARTH Act of 2009](#)
- NCHE Brief: [Coordinated Entry Processes: Building Mutual Engagement between Schools and Continuums of Care](#)
- NCHE Brief: [Housing and Education Collaborations to Serve Homeless Children and Youth and Their Families](#)
- NCHE Tip Sheet: [Housing and School Partnership on the Point-In-Time Count](#)
- NCHE Video Training: [Local Liaison Authority to Determine HUD Homeless Assistance Eligibility](#)



IMPROVING HEAD START FOR SCHOOL READINESS ACT OF 2007

[42 U.S.C. § 9831 *et seq.*]

- Children and families experiencing homelessness are categorically eligible for services.
- The Head Start program adopted the McKinney-Vento EHCY program definition of homeless.
- Head Start programs must implement policies and procedures to ensure that children experiencing homelessness are identified and prioritized for services.

Resource

[The Head Start Act](#) as amended by the Improving Head Start for School Readiness Act of 2007



RUNAWAY AND HOMELESS YOUTH ACT (RHYA) [42 U.S.C. § 5701 *et seq.*]

- The RHYA provides funding to local programs that serve a subpopulation of youth included in the definition of homeless in the McKinney-Vento Act, including basic center programs, street outreach programs, transitional living programs, and maternity group homes.
- RHYA centers must coordinate with local liaisons to ensure that youth experiencing homelessness are provided information about educational services available to them under the McKinney-Vento Act.

Resource

[Runaway and Homeless Youth Act](#)



CHILD NUTRITION AND WIC REAUTHORIZATION ACT [42 U.S.C. § 1758]

- Children and youths who are homeless are categorically eligible for free meals.
- With verification by a local homeless liaison or shelter director, no application is required

Resources

[NCHE Brief: Access to Food for Homeless and Highly Mobile Students](#)

[Richard B. Russell National School Lunch Act](#) reauthorized by the Child Nutrition and WIC Reauthorization Act



QUESTIONS TO CONSIDER

1. What is the purpose of the funds reserved for students experiencing homelessness through Title I, Part A?
 - Do all LEAs receiving Title I, Part A funds in your state reserve funds for students experiencing homelessness?
2. How does IDEA ensure that students with disabilities who transfer from one LEA to another can receive special education services without interruption?
3. What is the purpose of the education assurances in the HEARTH Act?
4. Under the Head Start Act, how are children experiencing homelessness determined eligible for services?
5. Under the Child Nutrition and WIC Reauthorization Act, how can a child experiencing homelessness qualify for free meals?

