

The Education of Homeless Children & Youth in Oregon

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"We need to create environments that ensure the success of those students with the greatest needs, so that we can in fact ensure the success of every child."

*Dr. Joseph F. Johnson, Past-President
National Association for the Education
of Homeless Children and Youth*

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RESPONSIBILITIES OF STATES AND DISTRICTS

Under NCLB Title X, the educational rights of homeless children and youth are protected by the federal McKinney-Vento Homeless Assistance Act's Education of Homeless Children and Youth Program. The law requires that state education agencies and school districts ensure that young people in homeless situations have equal access to the same free, appropriate public education, including public preschools, as provided to other children and youth (McKinney-Vento Act, Subtitle VII-B, Section 721 [1]).

Requirements for the state education agency and local school districts have increased significantly since the law was enacted in 1987. All districts are now required to designate a Homeless Liaison to identify and assist homeless students in the district, provide immediate school enrollment, expedite student records transfers and school placement, arrange for school of origin transportation when indicated, and report count data on the number of homeless students enrolled each year. District Homeless Liaisons make determinations of students' eligibility as "homeless," as well as making certain enrollment and placement decisions. Determinations by the Homeless Liaison or school district must be offered with options for appeal and dispute resolution.

Each district must have a Homeless Education Plan that includes the elements in the text box at the end of this document. The submission to the state of a separate District Plan for Homeless Students is

not required at this time, however districts are advised to have documentation to address the elements of this Plan on file, to be made available upon request and/or in the event of state or federal monitoring. Most of the requirements are met through meeting standard procedures, general budgetary and program compliance, and responsiveness to required data collection. Title IA Homeless Set-Asides budget and use of funds information is recorded in the district's Title IA budget while the needs of homeless students should be anticipated in each district's Continuous Improvement Plan (CIP).

All districts receiving allocations under Title IA are required to reserve funds (also called "Set-Asides") for serving homeless children and youth, particularly -- though not limited to -- homeless students in non-Title I schools (Title IA, Section 1113[c]3A). All homeless children and youth, including preschool age children, are automatically eligible to receive supplemental services from Title IA, regardless of whether or not they attend a Title IA school.

The right to public school enrollment by homeless children and youth is further ensured in Oregon by School Admission Statute ORS 399.115(7). Under the statute, "a school district shall not exclude from admission a child located within the district solely because the child does not have a fixed place of residence or solely because the child is not under the supervision of a parent, guardian or person in a parental relationship."

District Homeless Liaisons

Under the McKinney-Vento Act (Subtitle VII-B, Section 722(g)(6)[A]) each district must designate a Homeless Liaison, to identify homeless children and youth, address their educational needs, and be a primary contact to the state office and other districts regarding homeless children and youth. District Liaisons are often placed in charge of collecting count data on homeless children and youth, for required web surveys and other data collection. Support for the Homeless Liaison position is an appropriate use of Title IA Homeless set-aside funds, as a supplement to district support.

Liaisons help to ensure that homeless children and youth enroll and succeed in school and receive the educational services for which they are eligible, including preschool services. Liaisons also provide homeless children and youth and their families with referrals to health care, dental care, mental health services. Liaisons can expedite school placement, school of origin transportation and free meal program enrollment, and improve coordination and provision of local programs and services for homeless families and youths.

Identification of Homeless Children and Youth

The McKinney-Vento Act (Subtitle VII-B, Section 725) defines a **homeless** individual as one who lacks a fixed, regular, and adequate nighttime residence. It includes children and youth who:

- are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; or, in the case of unaccompanied youth, lack a stable or safe living environment;
- are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- are living in emergency or transitional shelters;
- are abandoned in hospitals; or
- are awaiting foster care placement or are in temporary foster settings awaiting permanent placement
- 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
- are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- migrant children and youth (as defined under NCLB Title IC – Migrant Education) who qualify as homeless because they are living in circumstances described above.

For program and data collection purposes, a distinction is made between **children and youth in homeless families**, and **unaccompanied homeless youth**. In general, unaccompanied homeless youths lack supervision by a parent or legal guardian, having run away or been abandoned by their family.

Determinations of whether a child or youth is homeless should be made on a case-by-case basis by the district's Homeless Liaison. Types of homeless situations can include:

- *Children and Youth in Transitional or Emergency Shelters*
Children and youth in transitional or emergency shelters, with or without other family members, are considered homeless. This applies to families and youth in shelters for economic hardship reasons as well as to those who are displaced from housing due to natural or other disasters (e.g., flooding, house fire).
- *Children and Youth Living in Trailer Parks, Camping Grounds*
Children and youth staying in trailer parks or camping areas because they lack adequate living accommodations should be considered homeless. Those living in trailer parks or camping areas on a long-term basis in adequate accommodations should not be considered homeless. Inadequate shelter/housing can include that which lacks electricity, plumbing, or sufficient heating, as well as housing affected by unhealthy circumstances such as head lice infestation.
- *Children and Youth Living in Motels/Hotels*
Children and youth living in motels or hotels, with or without their families, are considered homeless if they are residing there for lack of more adequate accommodations. While motels may provide a temporary "home," conditions for such families can include overcrowding, lack of cooking facilities and food storage space, no quiet place to do homework or safe area to play.
- *Children and Youth "Doubled-Up" in Housing*
Children living in "doubled-up" accommodations, sharing housing with relatives or friends, are considered homeless if they are doubled-up because of a loss of housing or other similar situation which forces shared housing. Families voluntarily living in doubled-up accommodations to save money generally should not be considered homeless, but should be considered eligible for services if the accommodations are such that the children involved have difficulty accessing or succeeding in school.
- *Homeless Migrant Families, Children and Youth*
Children and youth who are eligible under Title IC - Migrant Education, and who are living in circumstances such as those described above, or who are staying in accommodations not suitable for permanent family habitation (e.g., migrant camps) should be considered homeless. The same applies to unaccompanied youth who are eligible as migrant under Title IC.
- *Unaccompanied Minors: Runaway and Abandoned Youth*
Youth who have left home voluntarily and live in runaway shelters, abandoned buildings, the streets or other inadequate accommodations, or who are staying with friends or noncustodial relatives, may be considered homeless even though their parents are willing to provide them a home. Youths whose parents will not permit them to live at home, as well as minor youths who have been abandoned by parents or guardians, are also considered homeless. The term "constructive runaway" has been used in Oregon to describe homeless youth who have fled an abusive situation in their family home. Homeless youths are entitled to the same appropriate public education as all children and youth. Under Oregon school admission law ORS 339.115(7) "a school district shall not exclude from admission a child located within the district ... solely

because the child is not under the supervision of a parent, guardian or person in a parental relationship.”

School Placement Determinations

All districts are required under the McKinney-Vento Act to enroll each homeless child or youth in the school determined to be in the child's or youth's best interest:

- continued enrollment at the student's school of origin for the duration of homelessness, or for the remainder of the school year if the child or youth becomes permanently housed during the academic year, or
- enrollment in the school in which nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

Homeless Liaisons are often key to making placement determinations, and they should do so in an informed manner with input from the parents (or the youth in the case of an unaccompanied minor), as well as other school officials and service providers involved in the case. To the extent feasible, homeless students should be kept at the school of origin, except when doing so is contrary to the wishes of the child's parent or guardian. Should a dispute regarding the placement decision occur, a written explanation, including a statement regarding the right to appeal the decision, must be provided to the parent or guardian, or if unaccompanied, to the youth. During the appeal process, the child or youth has the right to maintain attendance at the school in which enrollment is sought -- the school of origin or the school in the attendance area in which the student currently resides – pending resolution of the dispute.

A parent or legal guardian cannot deny school enrollment to a homeless youth seeking enrollment to a school in the area in which the youth is currently living, nor are schools obligated to follow a parent's request to deny enrollment to an unaccompanied youth if the youth is eligible to attend (see ORS 339.020 – Duty to send children to school).

Transportation to School of Origin

Districts are required to provide transportation to homeless students to attend their school of origin if requested, even if the school district does not provide school transportation to nonhomeless students. (McKinney-Vento Act, Section 722(g)(1)[C]). This provision applies even if a homeless student's school of origin is in another district, as long as the transportation is feasible. The feasibility determination must be made based on the best interest of the student (e.g. length and distance of the commute, safety concerns) not on financial concerns of the district.

Whenever an interdistrict case occurs, it is imperative that the Liaisons of both districts work together to establish procedures to ensure that transportation is expedited. Interdistrict disputes cannot delay immediate enrollment. In the absence of agreement between districts on interdistrict cases, the two districts are required to apportion the costs and responsibilities equally (McKinney-Vento Act, Section 722 (g) (1)[JII]). For more information on meeting transportation requirements, visit the ODE Homeless Education webpage and other websites recommended at the end of this chapter.

Dispute Resolution

Under the McKinney-Vento Act (Section 722(g)3[E]), if a dispute arises over school selection or enrollment:

- the student shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

- the parent or guardian of the student shall be provided with a written explanation of the decision, including the right to appeal the decision and the process to do so;
- the Liaison will carry out the dispute resolution process as expeditiously as possible upon receiving notice of the dispute; and
- in the case of an unaccompanied youth, the Liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

The process for dispute resolution and appeals should be pre-determined. A hierarchical approach is often used, referring the case from, for example, the Liaison, to his/her supervisor or the Title I Coordinator, to the Superintendent and later to the local school board. An appeal can also be referred to the ODE State Homeless Coordinator for an expedited determination.

Access to Other Federal and State Programs

Children and youth living in homeless situations should have access to all federal and state education programs for which they are eligible, despite lack of residency or the supervision of a parent or guardian. Services provided to each homeless child and youth must be comparable to services offered to other students in the school and determined to be in a student's best interest. Access must be provided to such federal programs as Head Start, Even Start, 21st Century Community Learning Centers, Special Education and Early Intervention, programs for Talented and Gifted students, programs for English Language Learners, vocational programs and Advanced Placement options and GED programs.

Under a cooperative agreement between the U.S. Department of Education and the U.S. Department of Agriculture, enrollment in the Child Nutrition Program's Free and Reduced Price meal program must be expedited for homeless students. Enrollment is automatic upon notification to the local nutrition program by the Liaison that the student is homeless. Liaisons are responsible for notifying the school meal program when the student is no longer homeless, or when the student has withdrawn from school in the district.

Liaisons should coordinate their services with local agencies and organizations providing services to homeless children and youth and their families, including programs funded under the Runaway and Homeless Youth Act, state and local housing and community services agencies, homeless shelters and transitional housing programs, Community Action agencies, the Department of Human Resources and the Commission on Children, Youth and Families.

Required Data Collection for All Districts

In 2003, the federal Title X program initiated requirements for states to collect annual district counts of enrolled homeless students. In Oregon, this count is conducted as an ODE web survey, completed by districts at the end of each school year (deadline in July). A form to pre-collect count data in the required categories will be posted prior to each collection on the ODE Homeless Education webpage and is also available from the ODE Homeless Education office. Technical assistance is available on the collection by video-teleconference and other means. McKinney-Vento Subgrant Projects have additional annual data collection requirements, including a summary of state achievement test results on homeless students served by the project.

Monitoring of McKinney-Vento Act Requirements

The provision of services to homeless students is among the Title IA and Title X areas monitored during consolidated program reviews. McKinney-Vento subgrant projects are monitored by the Homeless Education Specialist at the Department of Education. Monitoring tools and schedules are posted on the ODE website each year, and are also available from the State Coordinator.

TITLE IA SET-ASIDES FOR HOMELESS EDUCATION

Use of Set-Aside Funds

Title IA Set-Asides for Homeless Education (Title IA, Section 1113) may be used by districts to provide supplemental services to homeless students, such as:

- provision of Title IA services to homeless children and youth who do attend Title IA funded schools (i.e., schools that are not Schoolwide programs or Targeted Assistance Schools);
- extended day programs, summer school, tutoring and other educational assistance
- educational services (homework assistance or other support) for homeless children and youth at shelters, transitional housing, motels and other temporary residences;
- educationally-related services for preschool-age homeless children;
- coordination of services and referrals for homeless families and youth to local shelter and human services providers;
- outreach services to children and youth living in homeless situations who are not attending school;
- other educational assistance, as needed, for children and youth whose lack of residence or whose adverse housing situations put their attendance and success in school at risk;
- support for services provided by the district Homeless Liaison and other staff serving homeless students;
- staff development and training provided by, and on behalf of, the Homeless Liaison and other staff serving homeless students.

Restrictions on Use of Homeless Set-Aside Funds

In general, Title IA set-aside funds are intended to support educational services that *supplement, not supplant*, the regular school program. With this in mind, the USDE Non-Regulatory Guidance for the McKinney-Vento program advises that provisions which are a requirement of all districts, whether or not they receive Title I, are a responsibility of the local district and should not be fully-funded by Title IA set-asides or other federal supplements. This requirement is most explicit in the federal guidance that restricts the use of Title IA set-asides for school of origin transportation for homeless students (the current USDE Non-Regulatory Guidance for this program is posted on the ODE Homeless Education website). Once the student becomes “permanently” housed, however, Title IA set-asides could be used for continued school of origin transportation, since at that point the services would be supplemental to that which all districts are required to provide.

Further guidance suggests that a district should not fund the required Homeless Liaison staff position entirely with Title IA set-asides, however such funds can and should be used to support services provided by the Liaison to homeless students.

Calculation of Homeless Set-Asides

There is no federal or state required formula or calculation method for calculating the amount of district set-asides for serving homeless students. Districts have flexibility in determining the amount based on current local data and needs assessments. Methods for calculating a set-aside amount have been suggested (see article on ODE Homeless Education website) and include a per-pupil calculation, using a base dollar amount (e.g. \$500) multiplied by the number of homeless students counted in the previous school year. Most districts opt to reserve an amount that will cover the cost of providing Liaison services.

COMPETITIVE MCKINNEY-VENTO SUBGRANTS

Federal funds for competitive subgrants to local education agencies are available from the Oregon Department of Education on a limited, periodic basis. Subgrants are awarded based on the need of the

district(s) for supplemental funds to address the number and needs of homeless children and youth in the project area, the quality of the proposed plan and its measureable outcomes, and the ability of the district to implement the plan. Title IA set-asides are used as matching funds in Oregon McKinney-Vento Subgrant Project budgets, in which districts must also show a foundation of local general fund support.

Districts and Education Services Districts (ESDs) are eligible to apply individually or in consortia. Typically, awards have ranged from \$10,000 to \$60,000 per school year in Oregon. There are currently 25 Subgrant Projects serving a total of 46 school districts throughout Oregon on a two-year subgrant period. If federal funding for Title X continues, the next competitive subgrant application round will tentatively occur in Spring 2006. Subgrant applications and instructions will be posted on the ODE website prior to the round.

HOMELESS EDUCATION PROGRAM ACTIVITIES

General Activities for District Homeless Education Programs

Districts are encouraged to implement services and activities such as those outlined below, to ensure that homeless children and youth enroll and succeed in school.

Educational Services

- Tutoring, supplemental instruction and other educational services that help homeless children and youth reach the same challenging state content and student performance standards to which all children are held.
- Before and after-school programs mentoring and summer programs for homeless children and youth. Qualified personnel may provide homework assistance, tutoring and supervision of other educational instruction in carrying out these activities.
- Developmentally appropriate early childhood education programs for homeless children of preschool age that are not provided through other federal, state or local funds.
- Expedited evaluations of homeless children and youth to measure their strengths and needs. These evaluations should be done promptly in order to avoid a gap in the provision of necessary services to such children and youth. Evaluations may also determine a homeless student's eligibility for educational programs for gifted and talented students, vocational education programs and school meals programs.
- Education and training programs for parents of homeless children and youth regarding the rights their children have, as homeless individuals, to the educational and other resources available.

Professional Development

- Programs and other activities designed to raise awareness among educators and pupil services personnel of the rights of homeless children and youth under the McKinney-Vento Act and Title IA, and the special needs such children and youth have as a result of their homelessness.
- Programs coordinating services provided by schools and other agencies to homeless children and youth to expand and enhance such services. Coordination with programs funded under the Runaway and Homeless Youth Act should be included in this effort.

Comprehensive Services

- Referrals of homeless children and youth to medical, dental, mental and other health services.
- Pupil services programs providing violence prevention counseling and referrals to such counseling.
- Programs addressing the particular needs of homeless children and youth that may arise from domestic violence.

- Providing extraordinary or emergency services to homeless children and youth as necessary to enroll and retain such children and youth in school.

Transportation

- McKinney-Vento and Title IA funds may be used to pay the excess cost of transportation not otherwise provided through federal, state or local funds, to enable homeless children and youth to attend schools selected under Section 722(g)(3) of the McKinney Act. The standard is that schools must provide bus transportation to students in the attendance area (beyond a certain proximity from the school). Excess costs can be incurred, for example, when keeping a homeless child at his or her "school of origin" while the child temporarily resides outside the attendance area of the school.
- If the school of origin (the school attended when the child or youth was permanently housed, or where the student was last enrolled) is outside the school's attendance area, measures beyond regular school bus transportation may be needed.
- Some districts provide bus tokens or cab fare to homeless parents to escort younger children to school. Decisions regarding placement must be made with regard to what is in the child's best interest and complying, to the extent feasible, with the wishes of parents and guardians.

School Records

- Paying fees and costs associated with tracking, obtaining and transferring records necessary for the enrollment of homeless children and youth in the school. The records may include birth certificates, guardianship records, immunization records, academic records and evaluations of homeless children and youth determining eligibility for other programs and services.

School and Hygiene Supplies

- Providing supplies to non-school facilities serving homeless children and youth and adapting these facilities to enable them to provide services.
- Providing school and hygiene supplies to homeless children and youth in shelters, temporary housing facilities and other locations as appropriate.

Incidental Services to Non-Homeless Students

- Disadvantaged children and youth demonstrating the most profound needs are a service priority for Title IA programs, including homeless children and youth. Non-homeless children and youth may receive incidental services if these services are provided to homeless students at the same time and if the non-homeless students are at risk of failing or dropping out of school.

Start-up Activities for New Homeless Projects and Liaisons

- Identify local service providers and learn about the availability and use of services in the area. Print a contact sheet for homeless and highly-mobile families and students
- Print posters and/or brochures to inform homeless families and youth of their right to attend school and encourage them to contact the school district liaison for enrollment information and other assistance. Examples of posters are provided on the following pages. Post at grocery stores, laundromats, service agencies and in other public places. Provide translated versions for non-English language groups.
- Talk with local service providers regularly to coordinate services, track the individuals served by multiple agencies and provide case management.
- Survey school personnel about their experiences with homeless students; inform them of the homeless education project as a source of local services and a place to make referrals.
- Collaborate with other public school programs serving disadvantaged students, such as the federal programs for Head Start, Even Start, Migrant Education, Talented and Gifted, Special Education, Drop-Out Prevention, GED programs, Teen Parent Programs, Child Development Centers, etc.

- Assess nature and extent of area homelessness by analyzing state and local counts and studies and/or conducting a survey.
- Review district and school policies and practices regarding enrollment of students who may not have an address or who may not be under the supervision of a parent or guardian. Revise as needed.
- For children and youth: retrieve school and health records, assess student grade level/skill levels, expedite placement of students in appropriate schools and grade levels, update immunizations.
- Collect clothing, shoes, school supplies, hygiene products through individual, commercial and agency donations, and distribute to youth and families in need.
- Encourage homeless families and youth to keep important school and medical records (such as birth certificates and immunization records) to provide to staff at future schools and clinics. Many projects provide a sturdy folder or large envelope to parents or students, printed with important telephone numbers and other information, with pockets for storing records.
- Provide sensitivity training on homelessness for teachers, school administrators and staff, and activities for non-homeless students which promote awareness.
- Contact the County Health Department and determine when and where free vaccinations and health screenings are locally available; provide transportation to homeless families as needed.
- Arrange a "Homework Club" at a local shelter, motel or as a before or after-school activity on school grounds (inviting other at-risk students, to avoid stigmatization).
- Provide summer school and/or recreational activities opportunities for children and youth in shelters and motels.
- Recruit, train and schedule parents, community members and older students to act as mentors for younger children.

ADDITIONAL INFORMATION AND RESOURCES

Oregon Department of Education

Office of Educational Improvement and Innovation

Homeless Education Program

State Coordinator: Dona Bolt

Phone: (503) 947-5781

Website: www.ode.state.or.us (Use ODE Search. Search for Homeless)

National Center on Homeless Education (NCHE)

Phone: (800) 755-3277 - *Website:* www.serve.org/nche

National Law Center on Homelessness & Poverty (NLCHP)

Phone: (202) 638-2535 - *Website:* www.nchlpl.org

National Association for the Education of Homeless Children and Youth (NAEH CY)

Phone: (763) 545-0064 - *Website:* www.naehcy.org

DISTRICT HOMELESS EDUCATION PLANS

Title IA (Section 1111(a)[1]), requires that a district receiving Title IA funds must include in its district plan a plan to provide services to homeless students to ensure compliance with the McKinney-Vento Act (Subtitle VII-B, Section 722). While submission of a formal plan to the state office is not required, districts should have documentation of the required elements available upon request.

District Homeless Education Plans should include:

1. For districts receiving a Title IA allocation, assurance of access to Title IA services by homeless children and youth in all district schools, whether Title IA funded or not, and district administrative level reservation of funds (set-asides) for serving homeless students. The amount and use of these funds is recorded in the district Title IA Set-Asides Budget.
2. District policies and procedures that ensure homeless students are and will be provided school access and opportunities to meet the same high academic standards as all students are expected to meet. Districts should document efforts to update local school policies to comply with the provisions of the McKinney-Vento Act protecting admission and ensuring provision of comparable services for homeless students.
3. District assurance that local district policies and practices will not segregate or stigmatize homeless students in separate schools or in separate programs within schools, and that procedures and services are provided so as not to stigmatize children and youth as "homeless."
4. Assurance or evidence that the district has and will post public notice of educational rights of homeless children and youth in places where families and youth are likely to be present (e.g., schools, shelters, welfare offices, soup kitchens) and in comprehensible formats (e.g., in other languages, geared for low literacy).
5. Contact information for the District Homeless Liaison, recorded in the district's NCLB Consolidated Subgrant, updated with the state program as needed, and shared with other district and school staff, and with local service providers. Communication in the district and community about the role of the Liaison and the rights of homeless students should also be conveyed.
6. Procedures to identify homeless students during enrollment and provide outreach to unenrolled homeless children and youth in the district.
7. Provisions for immediate school enrollment of all age-eligible homeless children and youth, including provisions for public preschool and alternative school placement where available.
8. Provisions for providing placement services and transportation to keep homeless students at their "school of origin" whenever feasible, in the best interest of the student and/or at the request of the family.
9. Provisions for immediate enrollment of unaccompanied homeless youths, despite lack of parent or legal guardian's supervision or permission, or "power of attorney" by supervising adult.
10. Procedures for homeless families and youths to appeal school placement decisions made by the district or Homeless Liaison, including written explanations, dispute resolution services and provision of services during appeal process.
11. Procedures to ensure that the expedited and confidential retrieval and transfer of homeless students' records.
12. Assurance that federal and state data collection and reporting requirements on homeless children and youth will be met.