

Comparison of VSAP Performance and Graduation Rates for Homeless Children and Youth in ACPS: 2008-09 to 2010-11

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Department of Accountability

INFORMATION
FOR



DECISION-MAKING

ALEXANDRIA CITY PUBLIC SCHOOLS

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Executive Summary

In September 2011, the Alexandria City Public Schools (ACPS) Homeless Education Liaison requested information on homeless student performance in the Virginia State Assessment Program (VSAP). This brief report will provide context for these data by providing comparison to state and national statistics. Data used to prepare this report are from the ACPS application for the McKinney-Vento Education for Homeless Children and Youth (EHCY) Program, a report prepared by the ACPS Transportation Department, data extracted from the Educational Information Management System (EIMS) and other Virginia Department of Education (VDOE) data systems, reports, and announcements. This report provides background on the McKinney-Vento Homeless Assistance Act including the definition of homeless children and youth, key elements of the act, the role of the Division Liaison, and school and division responsibilities for serving these students. This overview is followed by a discussion of homeless student performance on the VSAP, comparison of ACPS homeless student pass rates in state assessments with other local educational agencies (LEAs), and homeless student graduation cohort performance. The report concludes with recommendations for the division and schools to meet the needs of the homeless children and youth.

Highlights

- ACPS identified 185 homeless students served by the division in 2008-09, 143 students in 2009-10, and 176 students in 2010-11.
- The number of homeless students tested in ACPS was roughly equal in 2008-09 and 2009-10, but then fell by one-quarter to one-third in 2010-11 depending upon the content area.
- From 2008-09 to 2010-11, percent pass rates for homeless students in ACPS increased from less than one percent in English-Reading to about 20% in Math and English-writing; however, there was a four percent drop in History.
- From 2008-09 to 2009-10, the number of homeless students tested in grades 9 to 12 Reading increased from 7 to 12 students and in Math from 20 to 31 students.
- ACPS homeless students tended to have higher passing rates on state assessments than other LEAs with McKinney-Vento Subgrants over school years 2008-09 and 2009-10.
- The percent of homeless students in ACPS graduation cohorts remained roughly the same from 1.55% of students in 2007-08 to 1.84% in 2010-11, while the homeless anytime students roughly doubled from 1.97% of students in 2007-08 to 3.79% in 2010-11.
- By providing ACPS bus transportation to a majority of homeless students in 2010-11, the division was able to achieve a savings of over 80% in transportation costs from 2009-10.

Recommendations

1. Provide professional development for division and school personnel on local education agency (LEA) responsibilities regarding coordination of services for homeless children and youth.
2. Enhance professional development for division and school personnel on best practices regarding coordination of services for homeless children and youth.
3. Develop division and school indicators of quality to evaluate initiatives and programs that serve homeless children and youth.
4. Develop practices to monitor and evaluate division and school data on initiatives and programs for homeless children and youth on an ongoing basis to inform data-driven decision making.

Comparison of VSAP Performance for Homeless Children and Youth: 2007-08 to 2009-10

In September 2011, Arnecia Moody, Alexandria City Public Schools (ACPS) Homeless Education Liaison requested information from the Department of Accountability on homeless student performance in the Virginia State Assessment Program (VSAP) as part of her role to educate the schools and division on how to serve this population. In recent years, a number of school divisions have been subject to litigation for violating the McKinney-Vento Homeless Assistance Act;¹ thus, it is critical that ACPS division and school personnel understand the law and how to serve homeless children and youth. This brief report will provide context for these data by providing comparison to state and national statistics.² The data used to prepare this summary were from the ACPS application for the McKinney-Vento Education for Homeless Children and Youth (EHCY) Program,³ a report prepared by the ACPS Transportation Department, data extracted from the Educational Information Management System (EIMS) and other Virginia Department of Education (VDOE) data systems, reports, and announcements.

EIMS is a longitudinal student data system provided by the VDOE. The EIMS database houses the student performance information for the Virginia State Assessment Program (VSAP) which includes the Standards of Learning (SOL) assessments, the Virginia Alternate Assessment Program (VAAP, designed to evaluate the performance of students with significant cognitive disabilities in grades 3-8 and grade 11), the Virginia Grade Level Alternative (VGLA, for some students with disabilities and LEP students in grades 3-8 as an alternative assessment for SOL testing), and the Virginia Substitute Evaluation Program (VSEP, for secondary students with disabilities who require an alternative assessment to meet graduation requirements). Graduation cohort data were retrieved from the VDOE Single Sign-on for Web Systems (SSWS). Additional data are retrieved from reports and announcements from VDOE⁴ and organizations that focus on the education of homeless children and youth.

This report provides background on the McKinney-Vento Homeless Assistance Act with an overview of the definition of homeless children and youth, key elements of the act, the role of the Division Liaison, and school and division responsibilities for serving homeless children and youth. This is followed by a discussion of the number of homeless students served in ACPS, ACPS homeless student transportation costs, homeless student performance in the Virginia State Assessment Program, comparison of ACPS homeless student pass rates in state assessments with other local educational agencies (LEAs), and homeless student graduation cohort performance. The report concludes with recommendations for the division and schools to meet the needs of the homeless children and youth. Appendix A includes a brief overview of VDOE's Education for Homeless Children and Youth (EHCY) Program, Project Hope Virginia.⁵ Appendix B contains a

¹ Project HOPE-Virginia, the Office on the Education of Children and Youth Experiencing Homelessness.

<http://www.wm.edu/hop/homelss.php>. Retrieved 12/9/2011 from

http://www.nlchp.org/content/pubs/Litigation_related_to_McKinney-Vento1.pdf

² National Center for Homeless Education. (June 2011). *Education for homeless children and youth program: Data collection summary. Comparison of the SY 2007-08, SY 2008-09, and SY 2009-10 Data Collections*. Retrieved 10/4/2011 from http://center.serve.org/nche/downloads/data_comp_0708-0910.pdf

³ ACPS (June 2011). Virginia School Division Application for McKinney-Vento Education for Homeless Children and Youth (EHCY) Program From Funds Made Available Under Public Law (P.L.) 107-110 Grant Period July 2011 through September 2014.

⁴ Virginia Department of Education (September 2010). *Virginia on-time graduation rate rises two points to 85.5 percent: Black & Hispanic graduation rates of nearly five points since 2008*. Retrieved 10/5/2011 from http://www.doe.virginia.gov/news/news_releases/2010/sep30.pdf

⁵ Project Hope Virginia (Undated). *Virginia Department of Education: Education for Homeless Children and Youth (EHCY) Program*. Retrieved 10/5/2011 from <http://education.wm.edu/centers/hope/stats/StateEHCYfacts.pdf>

brief report by the ACPS Transportation Department. Appendix C briefly describes recent litigation related to the McKinney-Vento Homeless Assistance Act and Appendix D includes the entire McKinney-Vento Homeless Assistance Act.

Educating Homeless Children and Youth

Recognizing the signs of homelessness remains a challenge. Some families and children may not want to reveal their homeless status due to fear of being stigmatized or that the children may be moved to another school. More importantly, some parents may delay enrolling their children because they assume they lack the necessary documents. In 2005-06, the 28 school divisions in Virginia receiving McKinney-Vento subgrants reported 228 homeless youth who were living on their own.⁶ These unaccompanied youth must fend for themselves, without the support or protection of parents or guardians, to meet their needs for shelter, food, clothing, personal hygiene, and health care. Despite these challenges, the youth who persist in coming to school continue to recognize the importance of education and tend to value school more than other students, recognizing all too well that school may be their only hope for a brighter future.⁷ For these reasons, schools tend to provide homeless children and youth with a safe haven of consistency, support, and nutrition.

The child's classroom may be the only place where the child can experience quiet, interact with children his/her age, and experience success... School is the most normal activity that most children experience collectively... For homeless children, it is much more than a learning environment. It is a place of safety, personal space, friendships, and support.⁸

Thus, it is critical for ACPS educators to recognize the signs of homelessness for children and youth whose lives are marked by instability and uncertainty.⁹ Some possible signs of homelessness include:¹⁰

- History of attending many schools
- Erratic attendance and tardiness
- Consistent lack of preparation for class
- Sleeping in class
- Hostility and anger or extremes in behavior (e.g., shyness, withdrawal, nervousness, depression)
- Needy behavior (seeking attention) or withdrawn behavior
- Poor hygiene and grooming
- Inadequate or inappropriate clothing for the weather

⁶ Julianelle, P. (2008). Identifying homeless youth on their own. Information Brief No. 13. Project HOPE-Virginia, the Office on the Education of Children and Youth Experiencing Homelessness in collaboration with the Virginia Department of Education.

⁷ *Ibid.*

⁸ Strong, J., & Reed-Victor, E. (2000). *Promising practices for educating homeless students*. Larchmont, NY: Eye on Education.

⁹ *Ibid.*

¹⁰ *Ibid.*

- Hunger and hoarding food
- Resistance to parting with personal possessions (e.g., not wanting to leave a favorite toy unattended or put a coat in a locker).

It is also important for division and school personnel to understand the challenges faced by homeless unaccompanied youth. For example, some common situations for these homeless unaccompanied youth include: ¹¹

- Sharing the housing of friends or relatives (sometimes known as “couch-surfing”)
- Living in an emergency shelter or transitional living program
- Living in a park, campground, abandoned building, bus station, or other public place.

Because many unaccompanied youth leave school due to the daily demands of survival on their own, it is critical for schools and divisions to collaborate with community agencies to identify and serve these youth. Important community partners include: ¹²

- Youth shelters, transitional housing, and independent living programs
- Street outreach programs
- Youth drop-in centers
- Law enforcement
- Child welfare
- Public health clinics
- Gay/lesbian/bisexual/transgender support programs
- Social services
- Pregnant and parenting teen programs
- Immigrant and refugee support centers
- Legal services
- Soup kitchens and food banks.

In examining the school experiences and academic achievement of homeless adolescents, researchers found that formerly homeless students had more school mobility, more grade retention, and lower aspirations in plans for post-secondary education by self-report than a control group of continuously housed families receiving public assistance. In the study, while both groups scored poorly on standardized tests of academic achievement and during the period of maximal residential disruption, homelessness was associated with further declines in achievement; however, the experience of homelessness did not have significant effects on the students five years later. ¹³

¹¹ Julianelle, P. (2008). Identifying homeless youth on their own. Information Brief No. 13. Project HOPE-Virginia, the Office on the Education of Children and Youth Experiencing Homelessness in collaboration with the Virginia Department of Education.

¹² *Ibid.*

¹³ Rafferty, Y., Shinn, M., & Weitzman, B. C. (2004). Academic achievement among formerly homeless adolescents and their continuously housed peers. *Journal of School Psychology, 42*(3), 179-199.

Background on the McKinney-Vento Homeless Assistance Act

The McKinney-Vento Education for Homeless Children and Youth (EHCY) program is designed to address the challenges faced by homeless children and youth in enrolling, attending, and succeeding in school. The McKinney-Vento program was originally authorized in 1987 and, most recently, reauthorized by the No Child Left Behind Act of 2001 under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 USC 11431 et seq.), (McKinney-Vento Act).¹⁴ Under this program, State educational agencies (SEAs) and local educational agencies (LEAs or school division) must ensure that each homeless child or youth has equal access to the same free, appropriate public education, including a public preschool education and access to the educational and other requisite services to enable them to meet the same challenging State student academic achievement standards, as other children and youth. Because homeless students may not be separated from the mainstream school environment, States and divisions are required to review and undertake steps to revise laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or school success of homeless children and youth.¹⁵

Definition of Homeless Children and Youth

The McKinney-Vento Act defines “homeless children and youth” as individuals who lack a fixed, regular, and adequate nighttime residence. The term includes:

- Children and youth 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;
 - abandoned in hospitals; or
 - awaiting foster care placement;
- Children and youth 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 youth 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.¹⁶

¹⁴ United States Congress. (January 2002). The McKinney-Vento Homeless Assistance Act. Retrieved 10/4/2011 from http://center.serve.org/nche/downloads/mv_full_text.pdf

¹⁵ United States Department of Education. (July 2004). *Education for homeless children and youth program Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the No Child Left Behind Act of 2001: Non-regulatory guidance*. Washington DC: Author. Retrieved 10/2/2011 from http://center.serve.org/nche/downloads/guidance_jul2004.pdf

¹⁶ *Ibid.*

Key Elements of the McKinney-Vento Homeless Assistance Act

It is important for schools and divisions to understand key elements of the statute (see Appendix D for the complete McKinney-Vento Homeless Assistance Act) to avoid unnecessary litigation due to a lack of understanding or inappropriate actions by school or division personnel (see Appendix C for brief discussions of recent litigation related to the McKinney-Vento Act):

- *Express prohibition against segregating homeless students* – The statute expressly prohibits a school or State from segregating a homeless child or youth in a separate school, or in a separate program within a school, based on the child or youth's status as homeless.
- *Requirement for transportation to and from school of origin* – The State and its local educational agencies (LEAs or school division) must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of the unaccompanied youth, the liaison) to and from the school of origin. There are specific provisions regarding the responsibility and costs for transportation.
- *Immediate school enrollment requirement* – If a dispute arises over school selection or placement, an LEA must admit a homeless child or youth to the school in which enrollment is sought by the parent or guardian, pending resolution of the dispute.
- *Changes in "best interest" determination* – LEAs must make school placement determinations on the basis of the "best interest" of the child or youth. In determining what is a child or youth's best interest, an LEA must, to the extent feasible, keep a homeless child or youth in the school of origin, unless doing so is contrary to the wishes of the child or youth's parent or guardian.
- *Local liaison in all school districts* – Every LEA, whether or not it receives a McKinney-Vento subgrant, must designate a local liaison for homeless children and youth.¹⁷

Role of the Division Liaison for Homeless Children and Youth

The division or local liaison serves as one of the primary contacts between homeless families and school staff, district personnel, shelter workers, and other service providers. The liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed academically. Within the LEA, the Local liaison must ensure that:

- Homeless children and youth are identified by school personnel and through outreach and coordination activities with other entities and agencies;
- Homeless students enrolled in, and have full and equal opportunity to succeed in, the schools of the LEA immediately;
- Homeless children and youth and their families receive educational services for which they are eligible, including Head Start, Even Start, and preschool programs administered by the LEA, and referrals to health, mental health, dental, and other appropriate services;
- Parents or guardians of homeless children and youth 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;

¹⁷ *Ibid.*

- Parents and guardians and unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing transportation services;
- Enrollment disputes are mediated in accordance with the requirements of the McKinney-Vento Act; and
- Public notice of the educational rights of homeless students is disseminated to locations where they receive services under the McKinney-Vento Act.¹⁸

School and Division Responsibilities for Serving Homeless Children and Youth

To ensure that LEAs meet these responsibilities, the division or local liaisons must assist homeless children and youth with the following activities:

- Enrolling in school and accessing school services;
- Obtaining immunizations or medical records;
- Informing parents, school personnel, and others of the rights of homeless children and youth;
- Working with school staff to make sure that homeless children and youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement;
- Helping to coordinate transportation services for homeless children and youth; and
- Collaborating and coordinating with State Coordinators for the Education of Homeless Children and Youth and community and school personnel responsible for providing education and related support services to homeless children and youth.¹⁹

¹⁸ *Ibid.*

¹⁹ *Ibid.*

Chapter 1: Homeless Students Served in ACPS

Table 1 – ACPS Number of Homeless Students Served

- ACPS identified 185 homeless students served by the division in 2008-09, 143 students in 2009-10, and 176 students in 2010-11. These numbers are based on the homeless student counts enrolled in the division by the ACPS Homeless Liaison and submitted in June 2011 as part of the Virginia School Division Application for McKinney-Vento Education for Homeless Children and Youth (EHCY) Program from Funds Made Available under Public Law (P.L.) 107-110 Grant Period July 2011 through September 2014.
- In contrast, the number of homeless students reported to VDOE by ACPS is much lower ranging from a low of 75 students in 2009-10 to a high of 102 students in 2007-08 over the five school years from 2006-07 to 2010-11. These data were retrieved from the VDOE website that reports annual fall membership counts.
- It is important to note that because there is no single federal definition of what it means to be homeless (however many federal programs use the definition provided by the McKinney-Vento Act) and currently the best homeless data counts come from sample studies, estimates of homeless individual counts for a given year at the national level can vary from 600,000 to 2.5 million.²⁰ Thus, the variance in homeless student counts within the division as reported by practitioners for the McKinney-Vento application and as reported from the ACPS School Information System for the VDOE fall membership report presented in Table 1 appears reasonable.

Figure 1 – ACPS Homeless Student Transportation Costs by School Year

- In fulfilling the requirement of McKinney-Vento to provide transportation and/or the costs for transportation to and from the school of origin for the homeless children and youth, ACPS incurred costs of nearly \$75,000 in school years 2006-07 and 2007-08. Costs increase to a little over \$100,000 in 2008-09 and nearly doubled to just under \$200,000 in 2009-10. By providing the majority of the homeless children and youth with ACPS bus transportation in 2010-11, transportation costs dropped by over 80% when compared with the previous school year to under \$40,000.
- It is essential to understand the complexity of the data presented in the ACPS Transportation Department Report (see Appendix B). Because homeless status can be likened to a revolving door, the number of individual students associated with the transportation costs are difficult to pinpoint and disaggregate. For example, in one case a student could receive ACPS bus service from a fairly stable doubled-up housing situation (e.g., a homeless family living with relatives) for eight months of the school year. In another case, a family could be highly mobile, moving from a battered-woman's shelter, to a facility like Carpenter's Shelter, and then to transitional housing within a few months of a school year. An unaccompanied youth could be found living with a friend or on the street for a few weeks or for several years until graduation or dropping out. In the latter examples, transportation arrangements must take into consideration the age of the student and any unique circumstances of the particular case.

²⁰ Congressional Research Service, The Library of Congress. (May 2005). *Homelessness: Recent statistics, targeted federal programs, and recent legislation*. CRS Report for Congress retrieved 12/21/2011 from <http://www.fas.org/sgp/crs/misc/RL30442.pdf>.

Chapter 2: Homeless VSAP Performance in ACPS

Table 2 – ACPS Grades 3-12 Homeless VSAP Performance

- The number of homeless students tested in ACPS were roughly equal in 2008-09 and 2009-10, but then dropped by roughly one-quarter to one-third in 2010-11 depending upon the subject.

Figure 2 – ACPS Grades 3-12 Homeless Percent Pass Rates in VSAP

- From 2008-09 to 2010-11, percent pass rates for homeless students in ACPS increased from less than one percent in English-Reading to about 20% in Math and English-writing; however, there was a four percent drop in History. It is important to note that because of the change in the History Standards of Learning, there was a drop in scores by all student groups across the State in 2010-11.

Chapter 3: Homeless State Assessment Pass Rates by ACPS and Other LEAs

Table 3 – Grades 3-8 Homeless State Assessment Pass Rates by ACPS & Other LEAs

- From 2008-09 to 2009-10, the number of homeless students tested in grades 3 to 8 Reading and Math decreased slightly from 54 to 48 students.

Figure 3 – Grades 3-8 Homeless State Assessment Percent Pass Rates by ACPS & Other LEAs

- From 2008-09 to 2009-10, the percent of ACPS homeless students passing Reading in grades 3 to 8 Reading increased slightly from 61.1% to 66.7%. Over this same period in Math, ACPS homeless students in grades 3 to 8 had increased the pass rate by over 20%, from 38.9% to 60.4%.
- With the exception of Math in 2008-09, ACPS homeless students had higher passing rates on state assessments than other LEAs with McKinney-Vento Subgrants over the two school years.

Table 4 – Grades 9-12 Homeless State Assessment Pass Rates by ACPS & Other LEAs

- From 2008-09 to 2009-10, the number of homeless students tested in grades 9 to 12 Reading increased from 7 to 12 students and in Math from 20 to 31 students.

Figure 4 – Grades 9-12 Homeless State Assessment Percent Pass Rates by ACPS & Other LEAs

- From 2008-09 to 2009-10, the percent of ACPS homeless students passing Reading in grades 9 to 12 Reading increased from 28.6% to 50.0%. Over this same period in Math, ACPS homeless students pass rates in grades 9 to 12 had increased slightly from 45.0% to 48.4%.
- With the exception of Reading in 2008-09, ACPS homeless students had higher passing rates on state assessments than other LEAs with McKinney-Vento Subgrants over the two school years.

Table 5 – Grades 3-12 Homeless State Assessment Pass Rates by ACPS & Other LEAs

- From 2008-09 to 2009-10, the number of homeless students tested in grades 3 to 12 were roughly the same in Reading with 61 and 60 students and in Math from 74 to 79 students.

Figure 5 – Grades 3-12 Homeless State Assessment Percent Pass Rates by ACPS & Other LEAs

- From 2008-09 to 2009-10, the percent of ACPS homeless students passing Reading in grades 3 to 12 Reading increased from 57.4% to 63.3%. Over this same period in Math, ACPS homeless students pass rates in grades 3 to 12 had increased from 40.5% to 55.7%.
- With the exception of Math in 2008-09, ACPS homeless students had higher passing rates on state assessments than other LEAs with McKinney-Vento Subgrants over the two school years.

Chapter 4: Homeless Student Graduation Trend Data

Figure 6 – Percent of Homeless Students in Graduation Cohorts

- The percent of homeless students in ACPS graduation cohorts remained roughly the same from 1.55% of students in 2007-08 to 1.84% in 2010-11.

Figure 7 – Percent of Homeless Anytime Students in Graduation Cohorts

- The percent of homeless anytime students in ACPS graduation cohorts nearly doubled from 1.97% students in 2007-08 to 3.79% students in 2010-11.

Figure 8 – Virginia On-Time Graduation Rates for Homeless Students

- The Virginia On-Time Graduation Rates for ACPS homeless students increased with fluctuation from 54.5% in 2007-08 to 73.3% in 2010-11.

Figure 9 – Virginia On-Time Graduation Rates for Homeless Anytime Students

- The Virginia On-Time Graduation Rates for ACPS homeless anytime students increased with fluctuation from 50.0% in 2007-08 to 74.2% in 2010-11.

Figure 10 – Cohort Completion Rates for Homeless Students

- The Cohort Completion Rates for ACPS homeless students increased from 63.6% in 2007-08 to 73.3% in 2010-11. Note: Cohort Completion Rates includes GED and Certificates of Completion.

Figure 11 – Cohort Completion Rates for Homeless Anytime Students

- The Cohort Completion Rates for ACPS homeless anytime students increased from 57.1% in 2007-08 to 74.2% in 2010-11. Note: Cohort Completion Rates includes GED and Certificates of Completion.

Figure 12 – Cohort Dropout Rates for Homeless Students

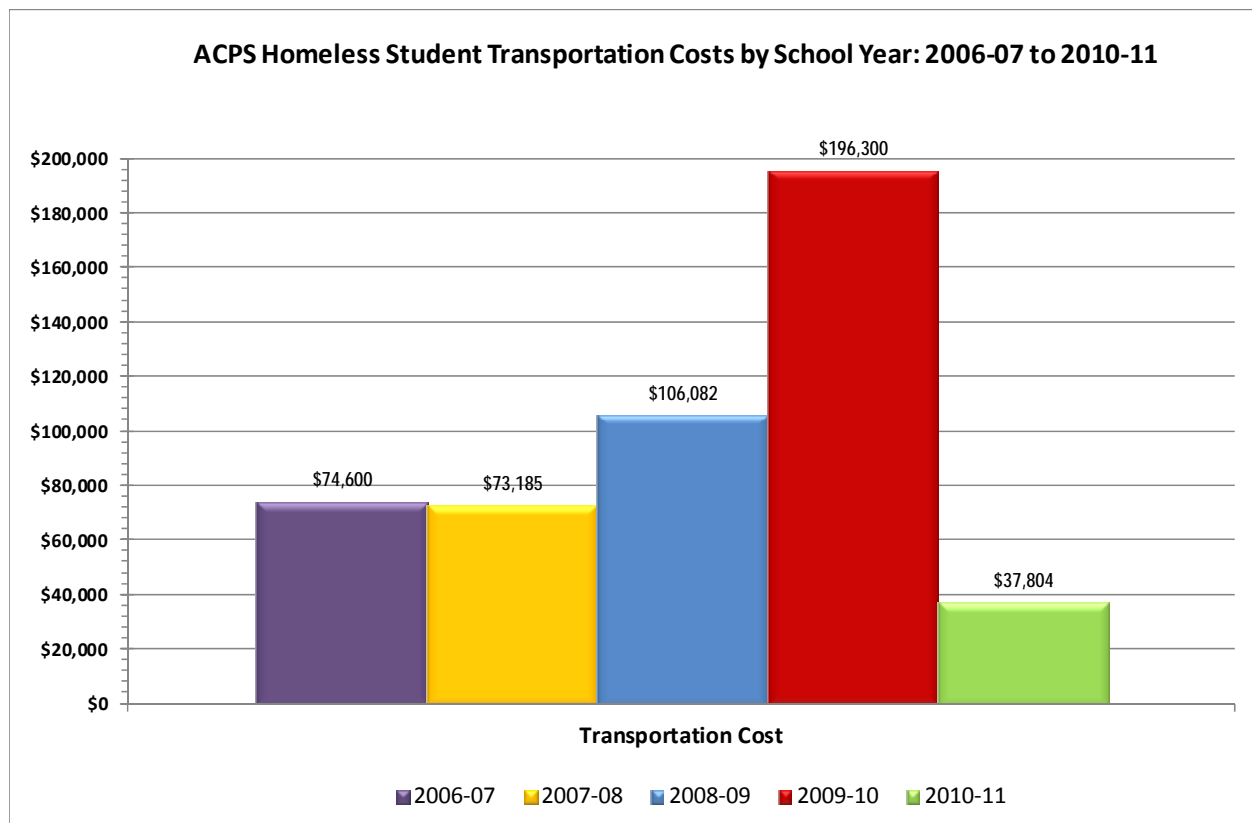
- The Cohort Dropout Rates for ACPS homeless students fluctuated from 9.1% in 2007-08 to 20.0% in 2010-11.

Figure 13 – Cohort Dropout Rates for Homeless Anytime Students

- The Cohort Dropout Rates for ACPS homeless anytime students fluctuated from 14.3% in 2007-08 to 22.6% in 2010-11.

Table 1. ACPS Number of Homeless Students Served: 2006-07 to 2010-11²¹

ACPS Homeless Student Enrollment Counts	2006-07	2007-08	2008-09	2009-10	2010-11
McKinney-Vento Application (June 2011)	--	--	185	143	176
VDOE Fall Membership (December 2011)	78	102	83	75	90

**Figure 1. ACPS Homeless Student Transportation Costs by School Year: 2006-07 to 2010-11**

²¹ Data for “McKinney-Vento Application” is cited from the ACPS (June 2011). Virginia School Division Application for McKinney-Vento Education for Homeless Children and Youth (EHCY) Program From Funds Made Available Under Public Law (P.L.) 107-110 Grant Period July 2011 through September 2014, which was the first application by the division. Data for “VDOE Fall Membership” has been retrieved on 12/20/2011 from http://bi.vita.virginia.gov/doe_bi/rdPage.aspx?rdReport=Main&subRptName=Fallmembership.

Table 2. Grades 3-12 Homeless VSAP Performance in ACPS by Subject: 2008-09 to 2010-11

Subject	Data Category	2008-09	2009-10	2010-11
English- Reading	Number Tested	61	60	46
	Number Proficient	35	38	27
	Percent Proficient	57.4	63.3	58.7
Math	Number Tested	74	79	64
	Number Proficient	30	44	39
	Percent Proficient	40.5	55.7	60.9
Science	Number Tested	53	48	39
	Number Proficient	30	33	25
	Percent Proficient	56.6	68.8	64.1
History	Number Tested	67	71	54
	Number Proficient	35	37	26
	Percent Proficient	52.2	52.1	48.1
English-Writing	Number Tested	23	25	14
	Number Proficient	12	14	10
	Percent Proficient	52.2	56.0	71.4

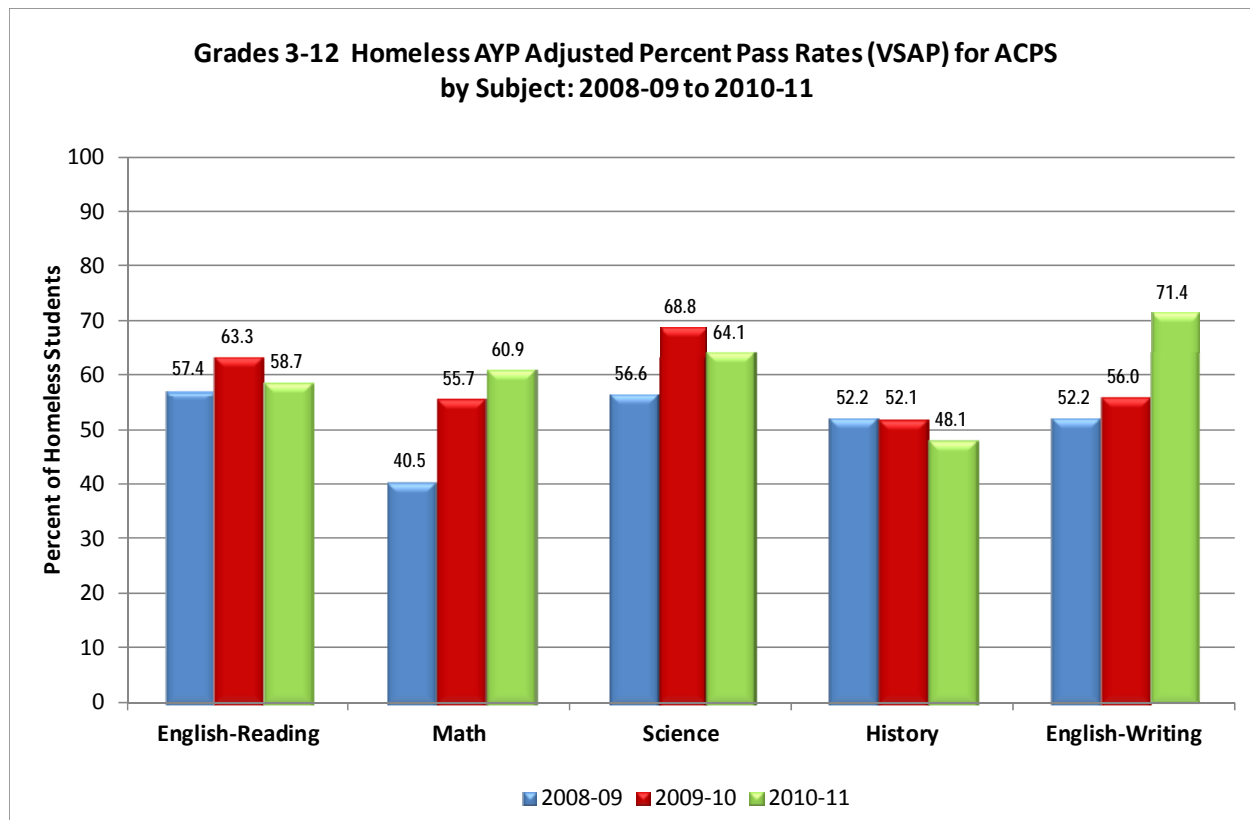


Figure 2. Percent Adjusted AYP Pass Rates by Grades 3-12 Homeless Students in ACPS by Subject: 2008-09 to 2010-11

Table 3. Grades 3-8 Homeless State Assessment Pass Rates for ACPS and LEAs with McKinney-Vento Subgrants: 2008-09 to 2009-10

Subject	Data Category	2008-09		2009-10	
		ACPS	Nation	ACPS	Nation
Reading	Number Tested	54	167,017	48	235,917
	Number Proficient	33	83,926	32	125,184
	Percent Proficient	61	50	67	53
Math	Number Tested	54	166,104	48	235,829
	Number Proficient	21	83,104	29	122,941
	Percent Proficient	39	50	60	52

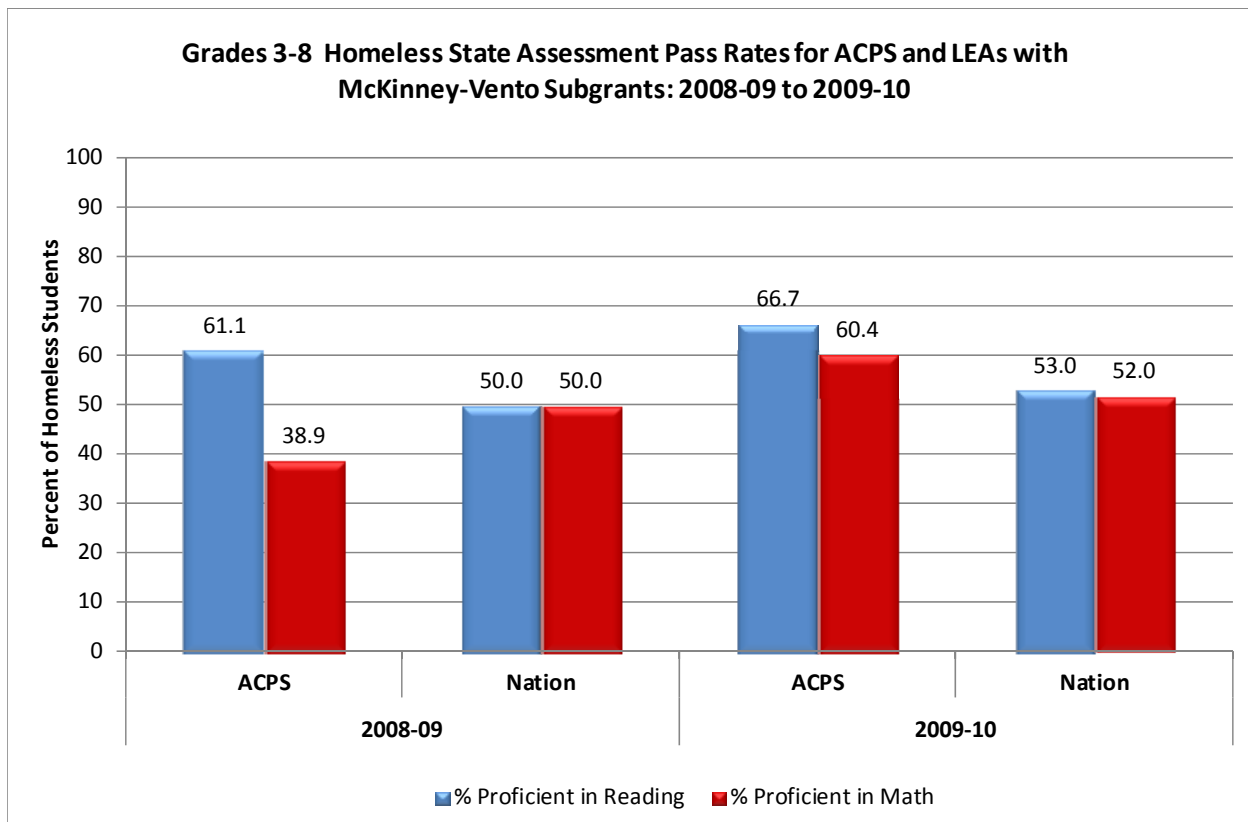


Figure 3. Percent Pass Rates for Grades 3-8 Homeless Students by ACPS and LEAs with McKinney-Vento Subgrants: 2008-09 to 2009-10

Table 4. Grades 9-12 Homeless State Assessment Pass Rates for ACPS and LEAs with McKinney-Vento Subgrants: 2008-09 to 2009-10

Subject	Data Category	2008-09		2009-10	
		ACPS	Nation	ACPS	Nation
Reading	Number Tested	7	30,936	12	30,439
	Number Proficient	2	14,036	6	14,479
	Percent Proficient	29	45	50	48
Math	Number Tested	20	29,341	31	32,185
	Number Proficient	9	11,189	15	12,375
	Percent Proficient	45	38	48	38

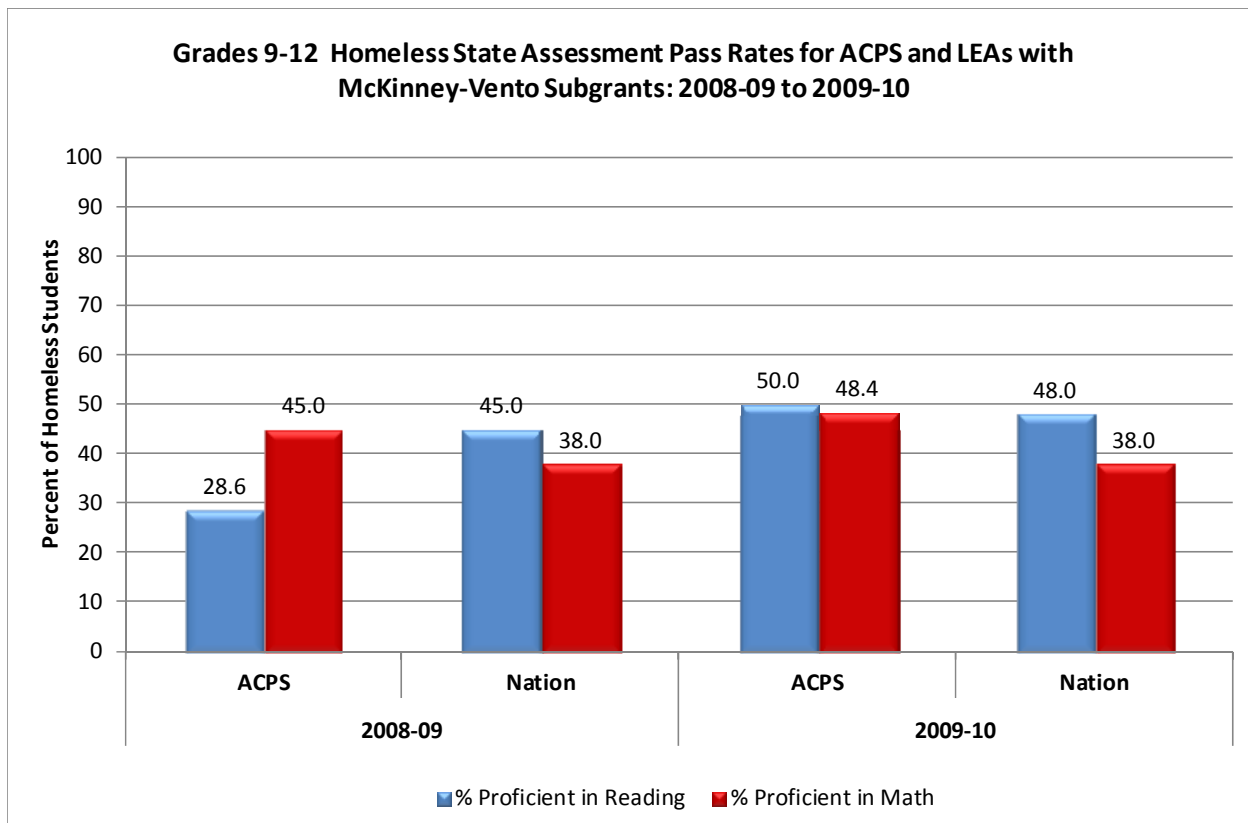


Figure 4. Percent Pass Rates for Grades 9-12 Homeless Students by ACPS and LEAs with McKinney-Vento Subgrants: 2008-09 to 2009-10

Table 5. Grades 3-12 Homeless State Assessment Pass Rates for ACPS and LEAs with McKinney-Vento Subgrants: 2008-09 to 2009-10

Subject	Data Category	2008-09		2009-10	
		ACPS	Nation	ACPS	Nation
Reading	Number Tested	61	197,953	60	266,356
	Number Proficient	35	97,962	38	139,663
	Percent Proficient	57	49.0	63	52
Math	Number Tested	74	195,445	79	268,014
	Number Proficient	30	94,293	44	135,316
	Percent Proficient	41	48.0	56	50

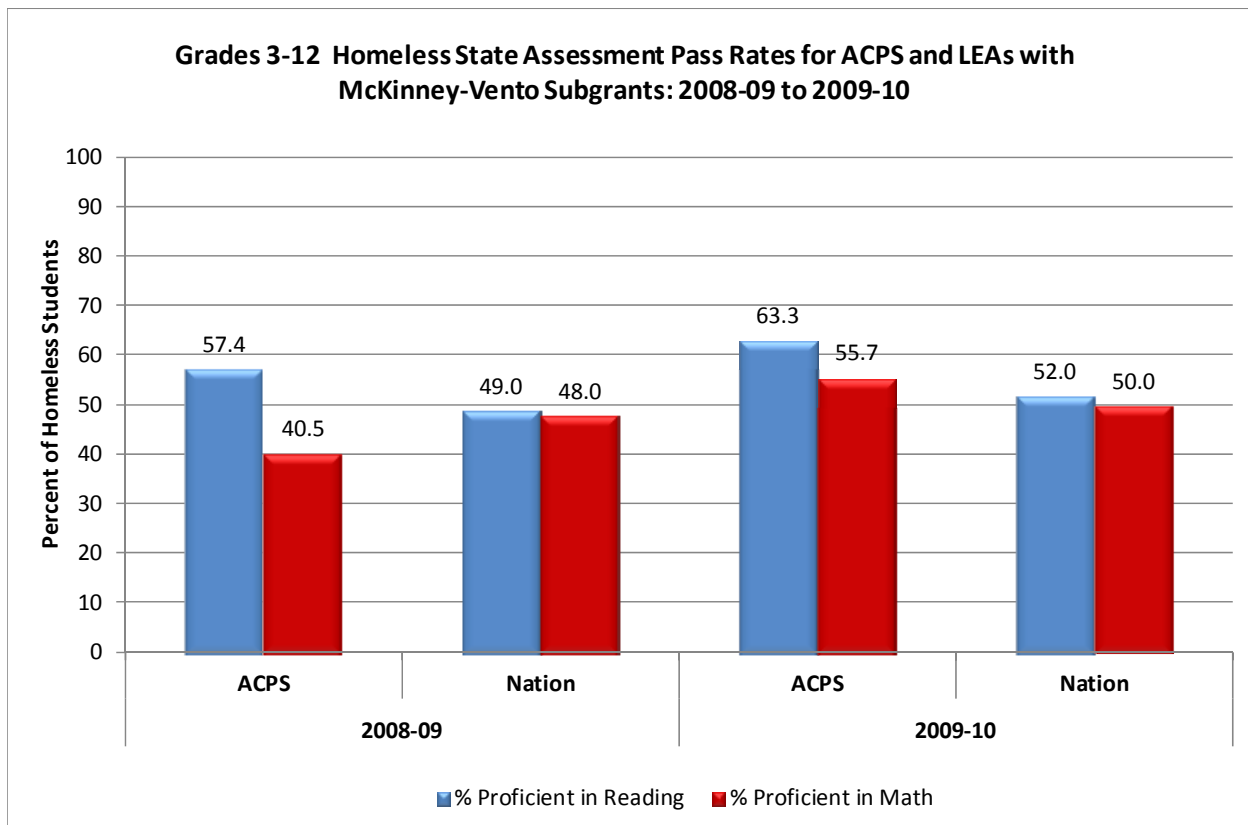


Figure 5. Percent Pass Rates for Grades 3-12 Homeless Students by ACPS and LEAs with McKinney-Vento Subgrants: 2008-09 to 2009-10

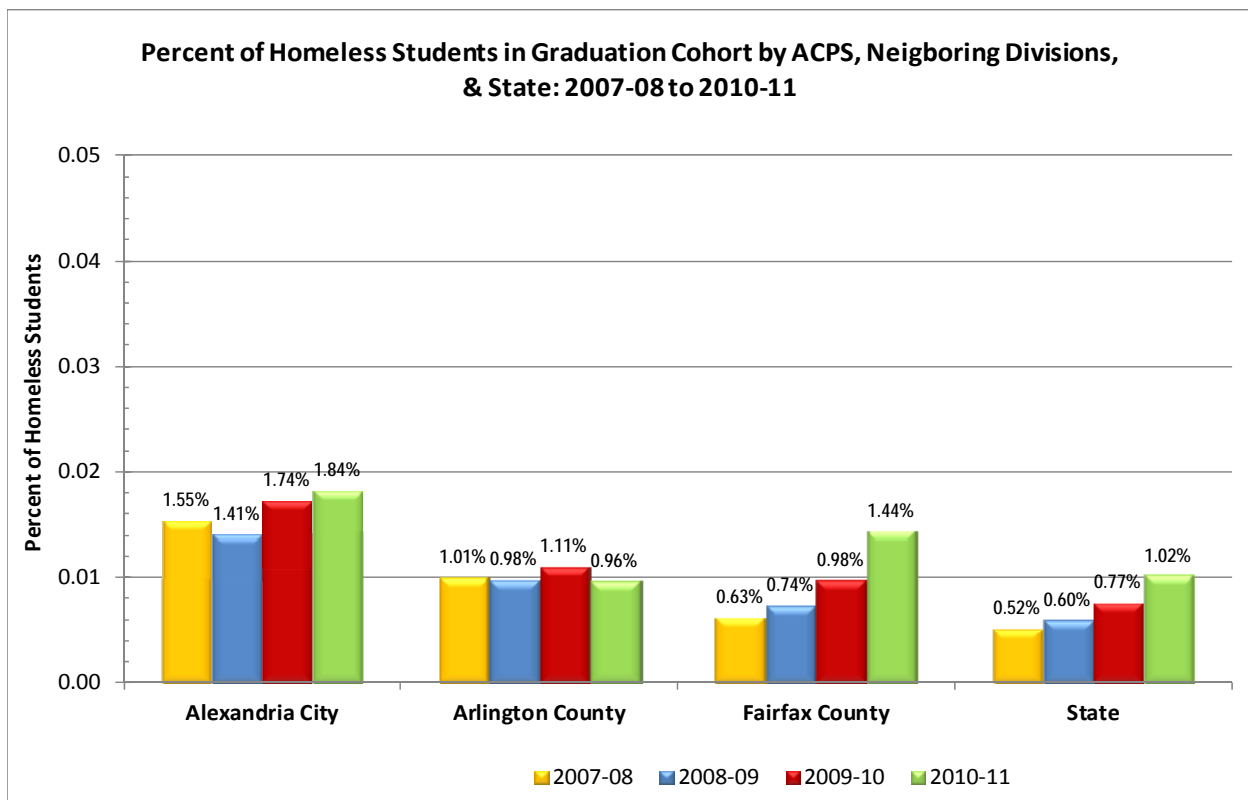


Figure 6. Percent of Homeless Students in Graduation Cohort by ACPS, Neighboring Divisions, & State: 2007-08 to 2010-11

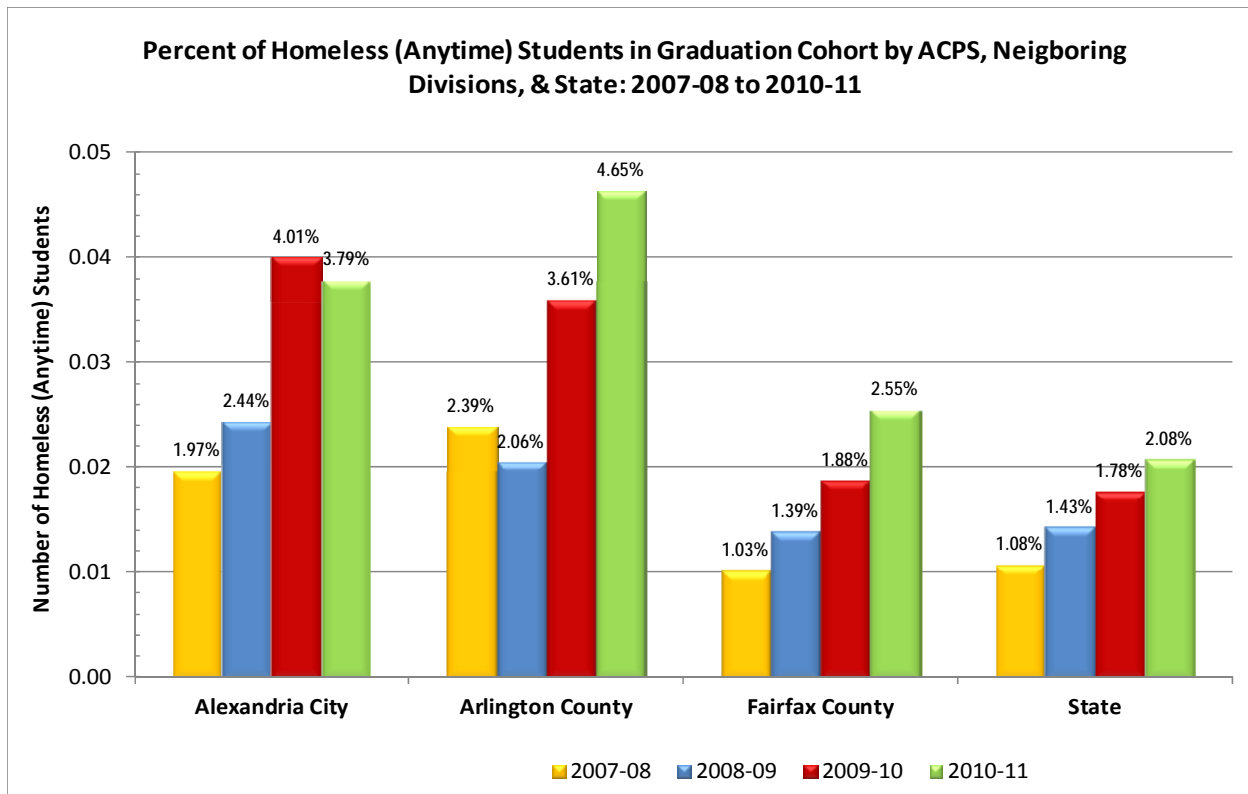


Figure 7. Percent of Homeless Anytime Students in Graduation Cohort by ACPS, Neighboring Divisions, & State: 2007-08 to 2010-11

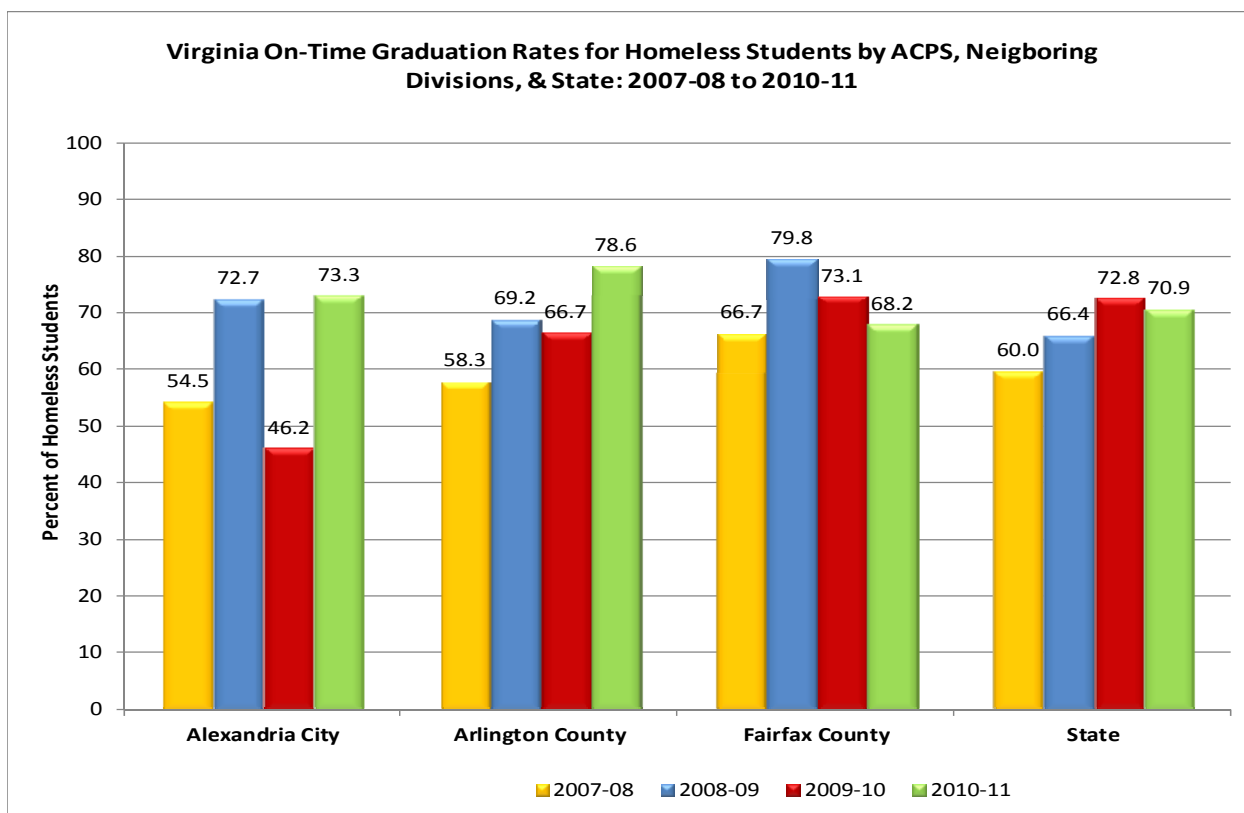


Figure 8. Virginia On-Time Graduation Rates for Homeless Students by ACPS, Neighboring Divisions, & State: 2007-08 to 2010-11

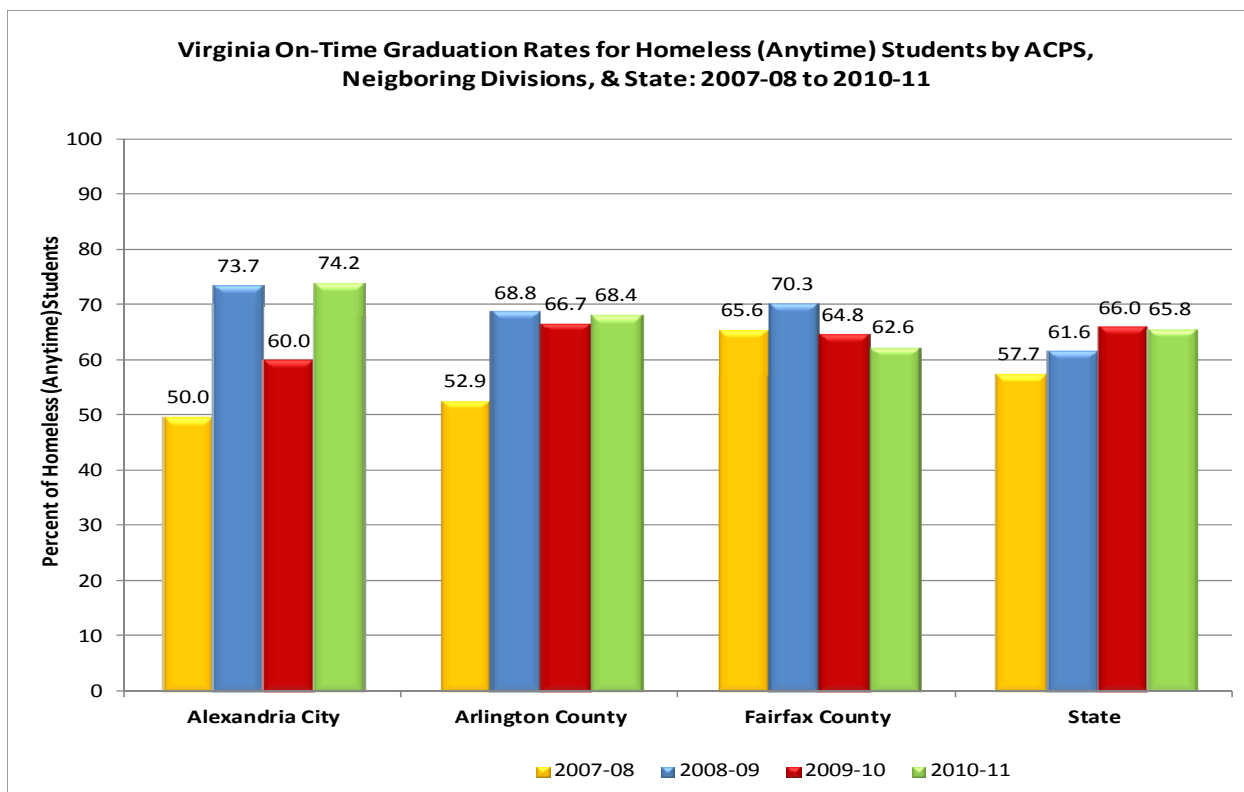


Figure 9. Virginia On-Time Graduation Rates for Homeless Anytime Students by ACPS, Neighboring Divisions, & State: 2007-08 to 2010-11

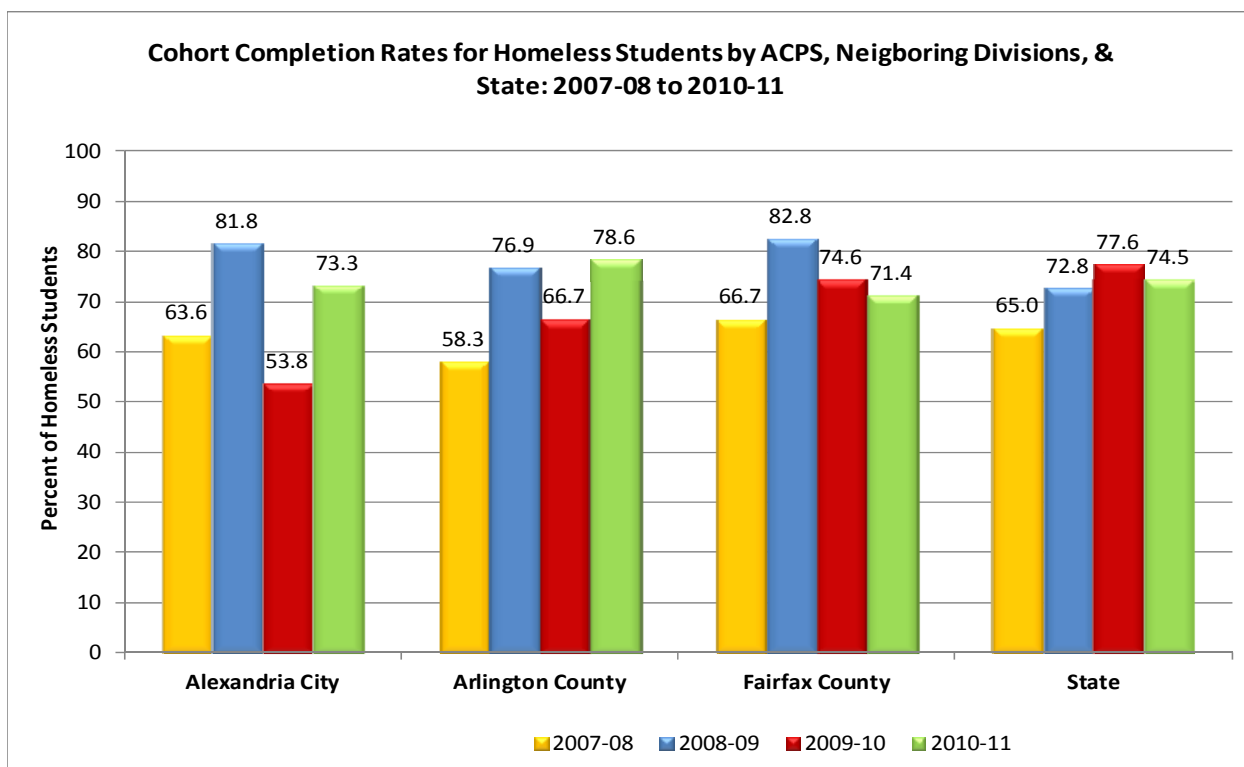


Figure 10. Cohort Completion Rates for Homeless Students by ACPS, Neighboring Divisions, & State: 2007-08 to 2010-11

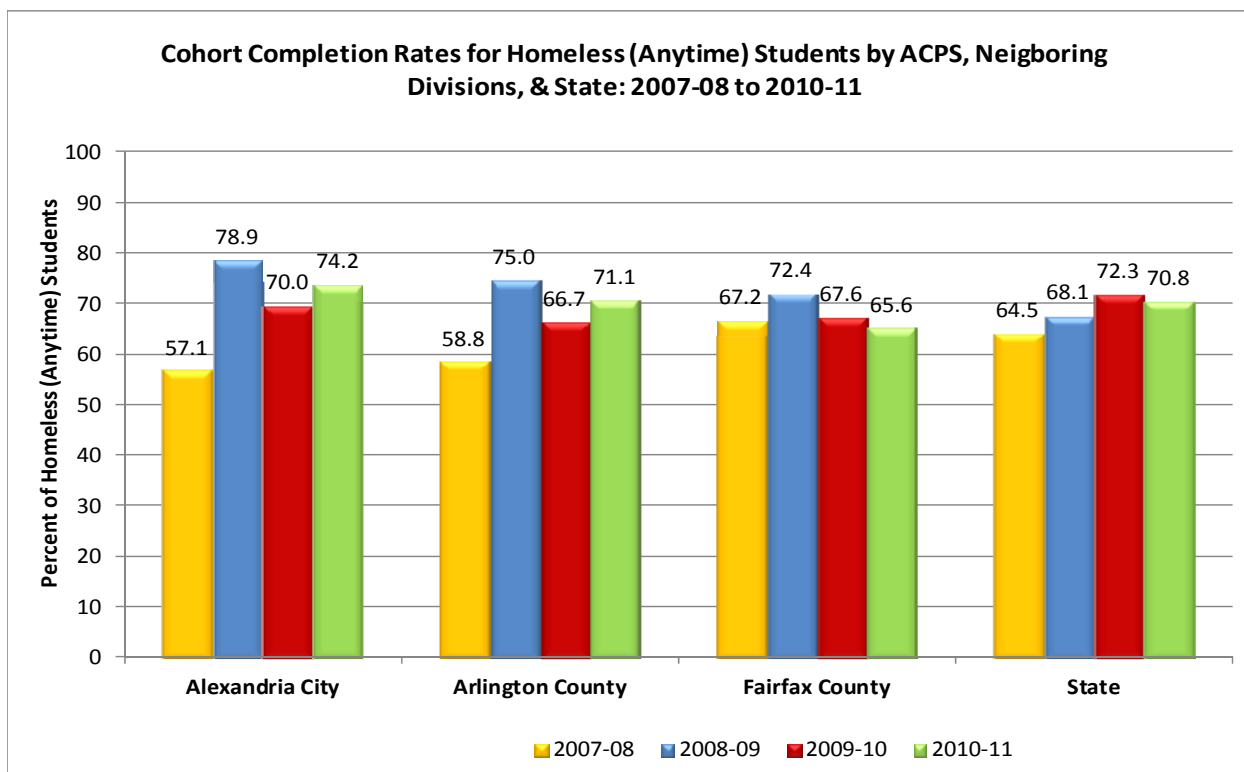


Figure 11. Cohort Completion Rates for Homeless Anytime Students by ACPS, Neighboring Divisions, & State: 2007-08 to 2010-11

Note: Cohort Completion Rates includes GED and Certificates of Completion.

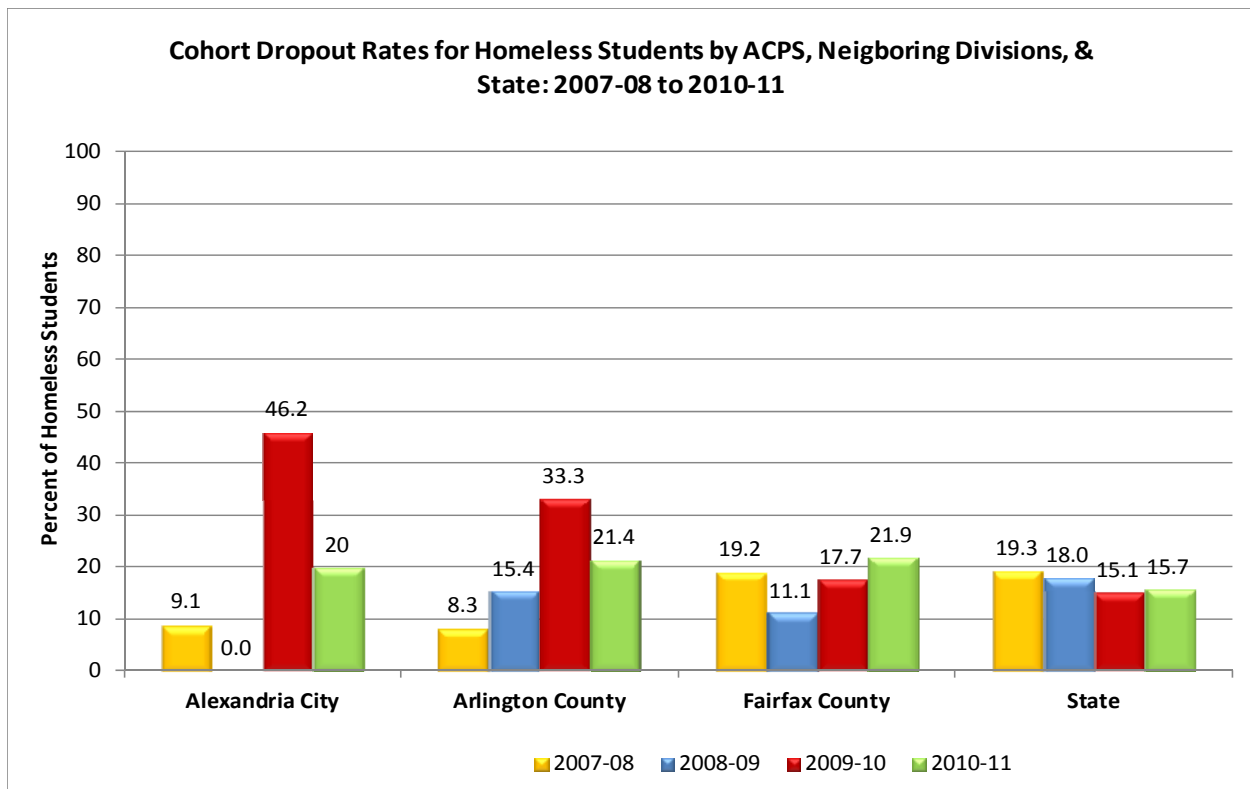


Figure 12. Cohort Dropout Rates for Homeless Students by ACPS, Neighboring Divisions, & State: 2007-08 to 2010-11

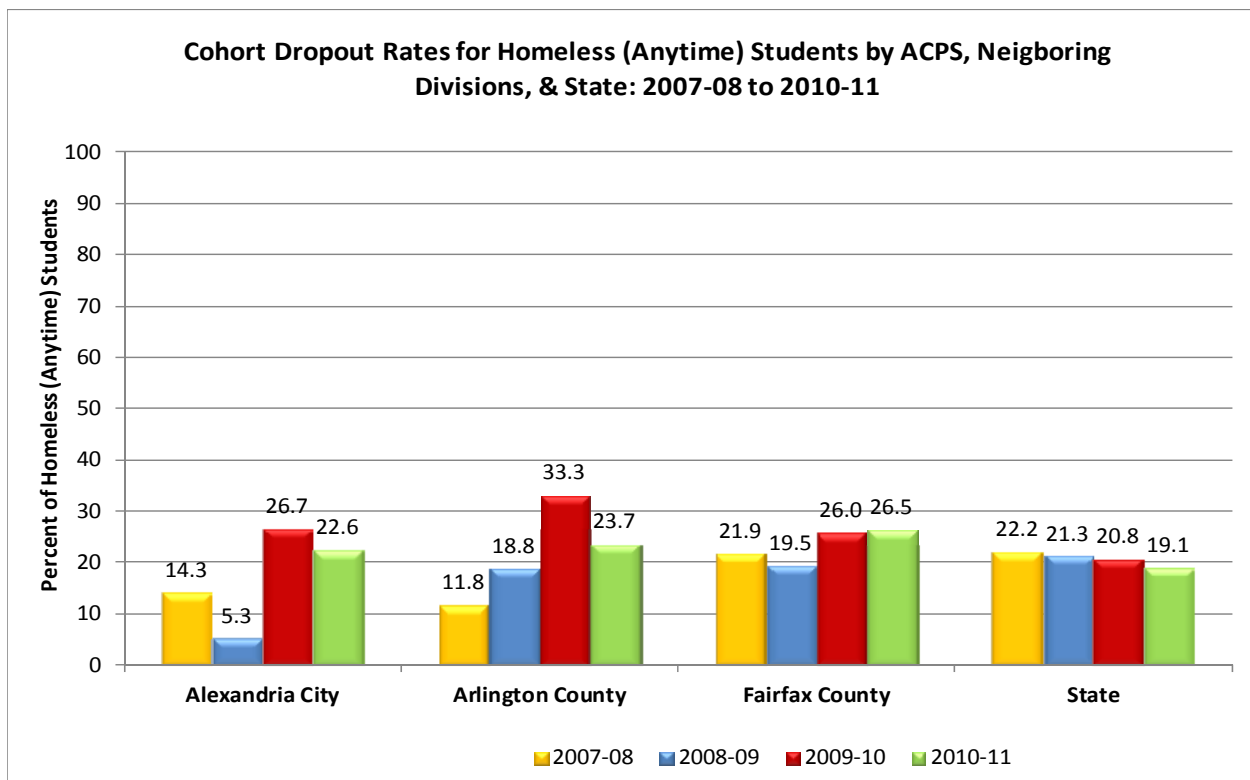


Figure 13. Cohort Dropout Rates for Homeless Anytime Students by ACPS, Neighboring Divisions, State: 2007-08 to 2010-11

Recommendations

The National Center for Homeless Education (NCHE), part of the SERVE Center at the University of North Carolina at Greensboro, serves as a clearinghouse to provide research, resources, and information to communities, schools, divisions, and states to support the education of homeless children and youth. NCHE also supports educators and service providers by producing training materials, information to raise awareness of the issues around the education of homeless students, and by providing training at regional and national conferences and events.²² NCHE provides training materials, information, and training to educators and service providers. The website includes: videos, recorded webinars, print resources, and slide presentations for division and school in-service training.²³ The following recommendations draw upon the resources provided by NCHE and VDOE's Education for Homeless Children and Youth (EHCY) Program, Project Hope Virginia.²⁴

Recommendation 1 – Provide professional development for division and school personnel on local education agency (LEA) responsibilities regarding coordination of services for homeless children and youth.

Recently, there have been a number of incidents in ACPS that indicate professional development for division and school staff may be warranted. These include delays in the enrollment of homeless students into schools within ACPS concurrent with the coordination of relevant services such as transportation for these students. In addition, school staff may not have sufficient training in recognizing the signs of homeless children and youth. For example, in November during a walk-through of one of the secondary schools, the ACPS Homeless Liaison identified a homeless unaccompanied youth who was eligible for, but had not been registered to receive free school nutrition, which the Homeless Liaison addressed immediately. At the same time, it is critical for school staff to be trained to understand the rights of homeless families, youth, and children and how to appropriately handle the privacy of these students and families. The McKinney-Vento Homeless Assistance Act (see Appendix D) ensures the educational rights and protections for children and youth experiencing homelessness; thus, it is critical that division and school personnel understand this federal law and how to coordinate services for homeless students to prevent litigation due to inappropriate actions by division or school staff (see Appendix C for a brief discussion of recent lawsuits related to McKinney-Vento).²⁵ The division and schools may benefit from developing a checklist or information sheet, such as the one prepared by San Diego County Office of Education (SDCOE) entitled, “10 Top Ways to Avoid a McKinney-Vento Lawsuit.”²⁶

²² National Center for Homeless Education (Undated). *About NCHE*. Retrieved 10/6/2011 from <http://center.serve.org/nche/about.php>

²³ National Center for Homeless Education (Undated). *Training Resources*. Retrieved 10/6/2011 from http://center.serve.org/nche/web/s_p.php

²⁴ Project Hope Virginia (Undated). *Virginia Department of Education: Education for Homeless Children and Youth (EHCY) Program*. Retrieved 10/5/2011 from <http://education.wm.edu/centers/hope/stats/StateEHCYfacts.pdf>

²⁵ Project HOPE-Virginia, the Office on the Education of Children and Youth Experiencing Homelessness. <http://www.wm.edu/hop/homelss.php>. Retrieved 12/9/2011 from http://www.nlchp.org/content/pubs/Litigation_related_to_McKinney-Vento1.pdf

²⁶ San Diego County Office of Education, Pupil Services Department. (October 2005). 10 Top Ways to Avoid a McKinney-Vento Lawsuit. Retrieved 12/9/2011 from <http://www.sdcoe.net/ssp/support/hs/pdf/10-tips.doc>

10 Top Ways to Avoid a McKinney-Vento Lawsuit

1. Provide strong district wide leadership for compliance. Ensure that homeless students and youth district wide have equal access to all programs and services available to students in the district. Do not segregate or isolate homeless students.
2. Provide a Homeless Liaison to work with homeless students and youth. Provide training and support for the liaison to work with the students and parents.
3. Enroll homeless students and allow students who become homeless to remain at their school of origin. Operate with the understanding that the usual rules **DO NOT** apply. Do not send homeless students home due to a lack of paperwork, enroll them today!
4. Develop the appropriate Policies and Procedures to enroll and service homeless students in your school district. Have policies and procedures in place that provide for enrollment, transportation and all educational rights of homeless students.
5. Have in place a dispute resolution process for homeless students. Be sure that parents are aware of the process and how to use it for any disputes over enrollment, transportation and other services.
6. Provide training for school personnel regarding McKinney Vento. Be certain that district staff understand the definition of "Homeless" under McKinney Vento. Train staff on your districts policies and procedures for implementation of McKinney Vento.
7. Make certain that your school district has a viable plan in place for the transportation of homeless students.
8. Develop a viable system of outreach. Develop and distribute materials to inform homeless students and their parents of their rights under McKinney Vento. Distribute materials to areas in your district where homeless students and their families are likely to be found. Make every effort to locate and enroll students who are not attending school.
9. Be collaborative with surrounding school districts in order to obtain and share enrollment information. Cooperate with service providers, agencies and shelters and other organizations that serve homeless families.
10. If you are challenged on your implementation of McKinney-Vento, be willing to listen and to make any changes needed to comply with the law.

10/05 – Pupil Services Department - SDCOE

Recommendation 2 – Enhance professional development for division and school personnel on best practices regarding coordination of services for homeless children and youth.

ACPS Homeless Education Liaison, Arnecia Moody, should be the lead in designing and implementing professional development to train division and school personnel on best practices. NCHE has produced a wealth of resources, such as *The National Center for Homeless Education's Local Homeless Education Liaison Toolkit*²⁷ and other materials that can be accessed on its training website²⁸ to develop this training.

²⁷ National Center for Homeless Education (September 2007). *The National Center for Homeless Education's Local Homeless Education Liaison Toolkit*. Retrieved 10/6/2011 from <http://center.serve.org/nche/downloads/toolkit/toolkit.pdf>

²⁸ National Center for Homeless Education (Undated). *Training Resources*. Retrieved 10/6/2011 from http://center.serve.org/nche/web/s_p.php

Recommendation 3 – Develop division and school indicators of quality to evaluate initiatives and programs that serve homeless children and youth.

Program evaluation is a critical element of quality assurance and program improvement. It is important to use data to investigate if the program is implemented with fidelity and is making a difference with the target student population. To this end, it is essential that the division and schools develop indicators of quality to evaluate initiatives and programs for homeless children and youth served in ACPS. To support this goal, the U.S. Department of Education outlined a set of standards and indicators characteristic of high quality programs for homeless children and youth to guide State and local education agencies (SEAs & LEAs) to conduct program evaluation of their McKinney-Vento Programs.²⁹ Standard express general characteristics shared by high quality programs while indicators describe subunits of the standards, or more discrete and specific aspects of the programs.

- Standard 1. *Within one full day of an attempt to enroll in a school, homeless children and youth will be in attendance.*
- Standard 2. *Homeless pre-k to 12 children and youth will have stability in school.*
 - 2.1. Attendance rates will be at or above the relevant district average.
 - 2.2. Students will remain in the school of origin for the period of homelessness or, if permanently housed, for the remainder of the school year, unless parents or unaccompanied youth requested transfer to another school.
- Standard 3. *Homeless children and youth will receive specialized services when eligible.*
 - 3.1. Eligible homeless preschool children can participate in public preschool (Head Start, Even Start, State pre-K, preschool programs for children with disabilities under the Individuals with Disabilities Education Act, meals, programs for children with limited English proficiency, and Title I pre-school programs).
 - 3.2. Eligible homeless children and youth can receive special education and related services under the Individuals with Disabilities Education Act, educational and related aids and services under Section 504 of the Rehabilitation Act of 1973, and educational programs for students with limited English proficiency.
 - 3.3. Homeless children and youth will receive appropriate services, based on assessment of individual needs, through a combination of resources, including, but not limited to Title I, McKinney-Vento, and other federally funded programs.
- Standard 4. *Parents or persons acting as parents of homeless children and youth will participate meaningfully in their children's education.*
 - 4.1. Parents or persons acting as parents will have a face-to-face conference with the teacher, guidance counselor, or social worker within 30 days of enrollment.

²⁹ United States Department of Education. (July 2004). *Education for homeless children and youth program Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the No Child Left Behind Act of 2001: Non-regulatory guidance*. Washington DC: Author. Retrieved 10/2/2011 from http://center.serve.org/nche/downloads/guidance_jul2004.pdf

- 4.2. Parents or persons acting as parents will be provided with individual student reports informing them of their child's specific academic needs and achievement on academic assessments aligned with state academic achievement standards.
- 4.3. Parents or persons acting as parents will report monitoring or facilitating homework assignments.
- 4.4. Parents or persons acting as parents will share reading time with their children (i.e., parent reads to child or listens to child read).
- 4.5. Parents who would like parent skills training will attend available programs.
- 4.6. Parents or guardians will demonstrate awareness of McKinney-Vento rights.
- 4.7. Unaccompanied youth will demonstrate awareness of McKinney-Vento rights.

Standard 5. *Homeless children and youth in grades 3-12 will meet their states' academic standards.*

- 5.1. Performance on standards-based assessments in reading and math will be within or above the proficient range or will show a one-for-one gain.
- 5.2. Rates of promotion to the next grade level will be at or above the district average.
- 5.3. Rates of high school graduation or equivalent will be at or above the district average.³⁰

Recommendation 4 – Develop practices to monitor and evaluate division and school data on initiatives and programs for homeless children and youth on an ongoing basis to inform data-driven decision making.

With increasing demands for accountability regarding public funds (federal, state, and local) allocated to public education programs, administrators and teachers must provide statistically-valid evidence that what they are doing is working (i.e., that students are learning better and faster).³¹ At the same time, it is important to consider four guiding principles for a division to support data-driven decision making by its school board:

- *Insist the board establish district-wide goals or end results for student achievement;*
- *Assist the board in receiving targeted, customized training on what data are and are not to measure whether student outcomes are being achieved;*
- *Insist the board adopt a code-of-conduct policy on data use; and*
- *Provide the data on time, with an executive summary and in an understandable presentation.*³²

³⁰ *Ibid.*

³¹ LaFee, S. (December 2002). Data-driven districts: Four districts that take different tacks using data to inform key decisions. *The School Administrator*. Retrieved 10/6/2011 from <http://www.aasa.org/SchoolAdministratorArticle.aspx?id=9530&terms=data-driven+districts>

³² Dawson, L. J. (December 2002). Data in the hands of school boards. *The School Administrator*. Retrieved 10/6/2011 from <http://www.aasa.org/SchoolAdministratorArticle.aspx?id=9532>

Four school districts took different approaches to using data to inform key decisions:

- One sought to balance qualitative and quantitative data and set up a communitywide task force on accountability with staff support;
- Another created a program called “Kid by Kid,” a year-round monitoring system that uses multiple measures including teacher judgment;
- The next focused on improving data quality and accuracy, which included professional development across the district and at all levels, such as grading, discipline, data use, and analysis; and
- The fourth introduced the Baldrige framework, which called for weekly classroom evaluations of students and professional development on data collection, analysis, and implementation of the four basic steps—plan, do, study effects, and act.³³

Conclusion

Given the wealth of resources and diversity in the division, it is critical for the ACPS to continue working with its community partners and other community-based organizations to support the academic achievement and graduation rate of homeless students. Current division initiatives to create wraparound services to students through flexible and extended learning opportunities while developing parental involvement, such as through the ACPS Family and Community Engagement Centers will become invaluable resources to support homeless families and children as well as the unaccompanied homeless youth enrolled in ACPS schools.

These centers will offer the opportunity to integrate relevant after school activities for students with workshops and resources for parents to improve student achievement.... After school programs will include academic instruction that will enhance and support ACPS curriculum, enrichment opportunities, and health/wellness activities.... ACPS believes that educating families, caretakers, and communities in how to support student learning will increase student achievement.³⁴

In a survey of students who dropped out of school and were asked what their schools could have done to help them to graduate, 70% indicated greater parental involvement would have made a difference for them to finish.³⁵ By supporting homeless students and their families through these initiatives, the ACPS enables these students to remain in school and to stay on-track to graduation while directly speaking to the strategic goal to “establish a division wide program to empower parents to be supportive and informed advocates for their children.”³⁶

³³ LaFee, S. (December 2002). Data-driven districts: Four districts that take different tacks using data to inform key decisions. *The School Administrator*. Retrieved 10/6/2011 from <http://www.aasa.org/SchoolAdministratorArticle.aspx?id=9530&terms=data-driven+districts>

³⁴ Alexandria City Public Schools (undated). *Alexandria City Public Schools Family and Community Engagement Centers*.

³⁵ Bridgeland, J.M., DiIulio, Jr., J.J., & Morison, K.B. (2006). *The silent epidemic: Perspectives of high school dropouts*. Retrieved 8/26/2011 from <http://www.gatesfoundation.org/united-states/Documents/TheSilentEpidemic3-06Final.pdf>

³⁶ Alexandria City School Board. (March 2009). Alexandria City Public Schools Strategic Plan 2010-2015. Retrieved 9/7/2011 from <http://www.acps.k12.va.us/board/strategic-plan/strategic-plan-proposed.pdf>

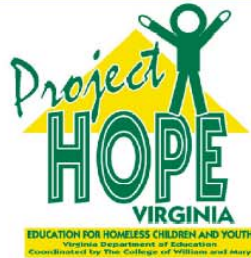
Appendix A. VDOE Education for Homeless Children and Youth (EHCY) Program³⁷

VIRGINIA DEPARTMENT OF EDUCATION

EDUCATION FOR HOMELESS CHILDREN AND YOUTH (EHCY) PROGRAM

Reauthorized in 2002 as Title X, Part C, of the Elementary and Secondary Education Act of 2001

A BRIEF HISTORY OF THE MCKINNEY-VENTO ACT



EDUCATION FOR HOMELESS CHILDREN AND YOUTH
Virginia Department of Education
Reauthorized by The College of William and Mary

1987	The Stewart B. McKinney Homeless Assistance Act is signed into law, requiring states to review and revise residency requirements for the enrollment of homeless children and youth.
1990	The McKinney Act is amended, requiring states to eliminate all enrollment barriers, and provide school access and support for academic success for students experiencing homelessness; McKinney funds may now be used to provide direct educational services for eligible students.
1994	The education portion of the McKinney Act is included in the Elementary and Secondary Education Act (ESEA), adding preschool services, greater parental input, and emphasis on interagency collaboration.
2002	The Act is reauthorized as the McKinney-Vento Act (Title X, Part C of ESEA), strengthening legislative requirements and requiring all school districts to appoint a local liaison to ensure the law is implemented effectively at the local level.

RIGHTS OF ELIGIBLE CHILDREN AND YOUTH

- Right to immediate enrollment even when records not present
- Right to remain in the school of origin, if in the student's best interest
- Right to receive transportation to the school of origin
- Support for academic success

FUNDING FOR STATES AND SCHOOL DISTRICTS

The U.S. Department of Education allocates McKinney-Vento funding annually to states based on the state's proportion of the Title I, Part A federal allocation. States must subgrant funds competitively to school districts within the state to be used for program implementation at the local level.

- States must distribute no less than 75% of its annual McKinney-Vento allocation to local school districts in subgrants; a few minimally funded states can reserve up to 50% of their allocation.
- Subgrants are awarded competitively based on need and quality of the application.

FUNDING HISTORY

TOTAL ANNUAL
STATE ALLOCATION

2001	587,378
2002	857,965
2003	850,323
2004	945,334
2005	1,060,570
2006	999,123
2007	976,107
2008	1,059,872
ARRA*	1,100,421
2009	1,015,099
2010	1,133,205

*American Reinvestment and Recovery Act

EDUCATION FOR HOMELESS CHILDREN AND YOUTH (EHCY) PROGRAM PROFILE

³⁷ Project Hope Virginia (Undated). *Virginia Department of Education: Education for Homeless Children and Youth (EHCY) Program*. Retrieved 10/5/2011 from <http://education.wm.edu/centers/hope/stats/StateEHCFacts.pdf>

VDOE Education for Homeless Children and Youth (EHCY) Program (continued)

PROGRAM ADMINISTRATIVE STRUCTURE

Federal: Federal Program Coordinator in the U.S. Department of Education; national technical assistance center (National Center for Homeless Education; <http://www.serve.org/nche>)

State: State Coordinator for Homeless Education in each state:

http://www.serve.org/nche/states/state_resources.php

Local: Local Homeless Education Liaison in each school division; <http://www.wm.edu/hope>

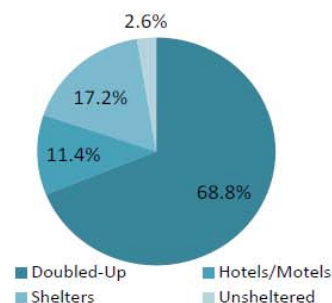
HOMELESS STUDENT ENROLLMENT DATA

Total Virginia Homeless Student Enrollment and % Change

Year	SY0708	SY0809	SY0910
Total Enrolled	11,776	12,768	14,223

% Change, SY0708 to SY0809	% Change, SY0809 to SY0910	% Change, SY0708 to SY0910
8	11	21

Homeless Student Enrollment
by Nighttime Residence



STATE HOMELESS STUDENT ACADEMIC PERFORMANCE DATA*

	SY0506	SY0607	SY0708	SY0809	SY0910
Grades 3-8, Proficient in Reading	1299	1,424	1592	2659	2922
% Proficient in Reading	66	64	67	73	73
Grades 3-8, Proficient in Math	901	1,281	1459	2310	2846
% Proficient in Math	51	56	62	66	70

*As measured by student performance on Virginia statewide assessments

INTERAGENCY COLLABORATION

The Virginia Department of Education's EHCY Program works together with many other state programs to serve children, youth, and families experiencing homelessness, including:

- Title I, Special Education, Student Services
- Department of Social Services
- Department of Behavioral Health and Development Services
- National Center for Homeless Education

STATE PROGRAM CONTACT INFORMATION

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Williamsburg, VA 23187-8795

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<http://www.wm.edu/hope>

EDUCATION FOR HOMELESS CHILDREN AND YOUTH (EHCY) PROGRAM PROFILE

Appendix B: ACPS Transportation Department Homeless Report

ACPS/ Transportation Dept. Homeless Report .

School Year 2006-2007		
Month / Year	Homeless	Cost
Jul-06	0	\$ -
Aug-06	0	\$ -
Sep-06	10	\$ 6,500.00
Oct-06	12	\$ 6,600.00
Nov-06	14	\$ 7,500.00
Dec-06	14	\$ 7,500.00
Jan-07	14	\$ 7,500.00
Feb-07	16	\$ 8,600.00
Mar-07	14	\$ 7,500.00
Apr-07	15	\$ 8,200.00
May-07	15	\$ 8,200.00
June-07	15	\$ 6,500.00
Total		\$ 74,600.00

School Year 2007-2008		
Month / Year	Homeless	Cost
July-07	0	\$ -
Aug-07	2	\$ 1,485.00
Sep-07	20	\$ 5,000.00
Oct-07	21	\$ 8,700.00
Nov-07	22	\$ 8,750.00
Dec-07	22	\$ 8,750.00
Jan-08	23	\$ 9,350.00
Feb-08	20	\$ 8,750.00
Mar-08	18	\$ 6,500.00
Apr-08	15	\$ 5,300.00
May-08	15	\$ 5,300.00
June-08	15	\$ 5,300.00
Total		\$ 73,185.00

School Year 2008-2009		
Month / Year	Homeless	Cost
Jul-08	2	\$ 1,500.00
Aug-08	0	\$ -
Sep-08	7	\$ 3,547.00
Oct-08	10	\$ 7,931.00
Nov-08	11	\$ 7,371.00
Dec-08	11	\$ 8,369.00
Jan-09	19	\$ 12,641.00
Feb-09	19	\$ 12,641.00
Mar-09	21	\$ 12,641.00
Apr-09	22	\$ 12,800.00
May-09	25	\$ 14,000.00
June-09	19	\$ 12,641.00
Total		\$ 106,082.00

School Year 2009-2010		
Month / Year	Homeless	Cost
July-09	4	\$ 5,200.00
Aug-09	4	\$ 5,200.00
Sep-09	8	\$ 10,400.00
Oct-09	8	\$ 10,400.00
Nov-09	12	\$ 15,600.00
Dec-09	10	\$ 13,000.00
Jan-10	10	\$ 13,000.00
Feb-10	9	\$ 11,700.00
Mar-10	13	\$ 16,900.00
Apr-10	23	\$ 29,900.00
May-10	25	\$ 32,500.00
June-10	25	\$ 32,500.00
Total		\$196,300.00

School Year 2010-2011*			
Month / Year	# Studnets	Total # of Students	Cost per Month
July-10	0	0	\$ -
Aug-10	0	0	\$ -
Sep-10	2	2	\$ 990.00
Oct-10	4	6	\$ 2,775.00
Nov-10	0	6	\$ 2,775.00
Dec-10	0	6	\$ 2,775.00
Jan-11	1	7	\$ 3,360.00
Feb-11	0	7	\$ 3,360.00
Mar-11	5	12	\$ 4,776.00
April-11	1	13	\$ 5,151.00
May-11	1	14	\$ 5,921.00
June-11	0	0	\$ 5,921.00
Total			\$ 37,804.00

* Majority of Homeless students in SY 10-11 were place in Alexandria City & rode ACPS Buses.

Report by: Connie Olaya
Sped Transportation Coordinator
ACPS / Trans Dept.
10.21.2011

Appendix C. Litigation Related to The McKinney-Vento Act³⁸

Homeless Education Bibliography

Patricia Julianelle
Spring 2008

LITIGATION RELATED TO THE MCKINNEY-VENTO ACT

Kaleuati v. Tonda, Civil Action No. 07-504 (U.S. District Court, District of Hawaii, filed October 6, 2007).

Lawyers for Equal Justice, the ACLU of Hawaii and Alston Hunt Floyd & Ing represent three homeless families that have been denied access to education and, on behalf of all homeless families statewide, has filed a class action lawsuit against the State of Hawaii in U.S. District Court, seeking statewide injunctive relief to remove policies that violate federal law and ensure that homeless children have full, meaningful access to a public education. The court recently granted a motion for preliminary injunction and certified the class. Visit <http://www.lejhawaii.org/mckinney/kaleuati.html> for more information, including current status and copies of pleadings and decisions.

Boisseau v. Picard, Civil Action No. 2007-0565 (U.S. District Court, Eastern District of Louisiana, filed February 1, 2007).

The NAACP Legal Defense Fund filed this action to ensure that students who had been displaced by Hurricane Katrina would be able to enroll in school immediately as their families return to New Orleans. Many returning students had been refused enrollment or placed on waiting lists. The demand letter and complaint are available at <http://www.naacpldf.org/issues.aspx?subcontext=84>

National Law Center on Homelessness & Poverty, et al. v. New York State, et al. Civil Action No. 04 0705 (U. S. District Court, Eastern District of New York, filed February 20, 2004).

This case alleged systemic noncompliance by the state education agency, state social services agency, 15 local educational agencies, and county social services with state and federal laws relating to the education of homeless children and youth. The school districts settled their portion of the case early in the proceedings, while the state and county social services moved to dismiss the case, saying the McKinney-Vento Act was not enforceable by parents (no implied private right of action under *Gonzaga v. Doe*). The U.S. District Court denied the motion to dismiss, holding the Act was enforceable. Ultimately, all parties settled and agreed to comply with all applicable state and federal laws relating to homeless students.

Muriel C. v. Gallagher, Hart and Evergreen Park Community High School District (filed in Cook County Circuit Court, February 2003).

Muriel C. and her children were living in Evergreen Park (a south suburb of Chicago). The family lost their housing in Evergreen Park and doubled-up with Muriel C.'s mother in Chicago. In January 2003, the high school issued letters to the family stating that the children were to be excluded from school due to non-residency. A dispute resolution

³⁸ Project HOPE-Virginia, the Office on the Education of Children and Youth Experiencing Homelessness. <http://www.wm.edu/hop/homelss.php>. Retrieved 12/9/2011 from http://www.nlchp.org/content/pubs/Litigation_related_to_McKinney-Vento1.pdf

hearing was held in which the lawyer for the school district argued that the children were not homeless because they did not wear dirty clothes to school. The school district lawyer also argued – and the hearing officer agreed -- that the family had the burden of proof in the hearing. Thus, it essentially was up to the family to prove that they were in fact homeless at the hearing. The hearing officer found that the family was not homeless and the children were excluded from school for approximately two weeks. Muriel C. contacted the Law Project after the child had been excluded. The school agreed to re-enroll the children only after Plaintiffs filed a complaint in the Circuit Court of Cook County. The parties are currently litigating the case and are also engaged in settlement discussions.

Bullock, et al. v. Board of Education of Montgomery County, et al., DKC-2002-798 (U. S. District Court, District of Maryland, filed March 14, 2002).

Montgomery County is also a large suburban school district bordering on Washington, D.C. A lawsuit and motion for temporary restraining order and preliminary injunction was filed on behalf of several homeless families. The case raised many issues related to the McKinney-Vento Act, including the rights of children in transitional housing, “time limits” on homelessness for doubled-up families, and segregation.

The case eventually settled. The school district agreed to implement broad reforms ranging from giving children awaiting foster placement full McKinney rights to widely publicizing the rights of homeless children throughout the district, to training school administrators and school personnel on McKinney rights, to implementing new forms and school-based guidelines to identify and serve homeless children, to providing transportation to the school of origin within 4 school days of the request. There will be a two year monitoring period. The school district also agreed to pay \$195,000 in attorneys fees to counsel for the plaintiff class.

Mitzi H. v. Murray and Board of Education of Homewood-Flossmoor High School District 233 and *Mitzi H. v. Ramsey and Board of Education of Homewood School District 153*. (filed in Cook County Circuit Court, September 2002).

These two cases involved one family with two children in an elementary district and one child in a high school. Under McKinney-Vento and the Illinois law, when the children lost their housing in Homewood, they should have been permitted to stay in the Homewood schools and obtain transportation assistance. In fact, the children were kept out of school for a total of five months until shelter personnel in Chicago referred them to the Law Project. After advocacy by the Law Project, the students were re-enrolled in March 2002. In September 2002, two separate complaints were filed in the Circuit Court of Cook County against both schools, seeking damages and other relief.

The high school filed a motion to dismiss arguing that the children could not bring suit because their homelessness was caused by a step-parent’s wrongdoing. The high school also argued that the family was not homeless. After briefing and oral argument, the court denied the motion to dismiss. The court found that the Illinois statute protected children

experiencing homelessness regardless of the reason for their homelessness. The court further found that the family met the definition of “homeless” when they were living in a motel. The parties are currently engaged in settlement negotiations.

Collier, et al. v. Board of Education of Prince George’s County, et al. DKC-2001-1179 (U. S. District Court, District of Maryland, filed April 16, 2001).

Prince George’s County is a large suburban school district bordering on Washington, D.C. A class action lawsuit and a motion for temporary restraining order and preliminary injunction were filed against the school district, on behalf of homeless families in the county.

Initially, the court ordered the school district to provide plaintiffs with transportation to the school of origin. The case was then expanded to include a broad range of McKinney issues, including transportation, identification, school selection, dispute resolution, and inter-agency issues. In September 2001, the case was settled. The school district agreed to take broad reform measures to address all of these issues. More than a thousand homeless school children have availed themselves of the new processes and procedures. Plaintiffs’ counsel logged more than \$300,000 in attorney fees on the case; defendants are attempting to negotiate a lower fee.

Sarah and Seth Doe v. Governor Wentworth Regional School District. SB #00-30 New Hampshire State Administrative Hearing, March 21, 2001).

After losing their housing in the fall of 2000, a family moved into a homeless shelter in a different school district. The parent sought to keep her children in their school of origin. However, conflicts between state laws and the McKinney-Vento Act resulted in a long dispute between the family and the school district of origin. The school district argued that the McKinney-Vento Act was not applicable because the district did not receive a subgrant and that the state could choose to force homeless children to attend school where they are temporarily residing. Despite active pre-litigation involvement by the State Coordinator and local attorneys, the school district refused to follow the law. So New Hampshire Legal Assistance filed an administrative complaint in March of 2001

On March 21, 2001, the Administrative Law Judge found in favor of the family. The children were permitted to remain in their school of origin. The State Coordinator and New Hampshire Legal Assistance have diligently worked to revise state education laws to comply with the McKinney-Vento Act. Unfortunately, they have had only modest success.

Burgin v. Community Consolidated School District 168. Cook County Commission on Human Rights (filed November 22, 2000).

The Burgin family, who are African-American, had rented an apartment in District 168 and four of their children attended District 168 schools (two of whom were honor roll

students). In March of 2000, the Burgins were evicted from their apartment following a period of unemployment. They doubled-up with family members in a nearby suburb. The Burgins were denied continued enrollment in District 168 because they were not residents. When an employee of the Illinois State Board of Education (ISBE) attempted to re-enroll the children, the superintendent stated: "If I let scum like that back in my schools, pretty soon the whole area will be a ghetto." After threatening litigation, the District agreed to re-enroll.

Because of the District's unlawful efforts to exclude the Burgin children even after being made aware of the legal requirements and because of the derogatory racial remark made about the family, the family filed a complaint with the Cook County Commission on Human Rights. The Cook County Human Rights Ordinance prohibits discrimination based on race as well as based on "housing status." Discovery was conducted in the case and revealed that all of the District's registration and enrollment materials and policy were misleading and inaccurate with respect to children experiencing homelessness. The parties entered into a settlement agreement in which the District agreed to, among other things: A total monetary settlement of \$100,000; annual training on and implementation of the McKinney-Vento Act, the Illinois Education for Homeless Children Act and the Cook County Human Rights Ordinance; and to establish a diverse committee of parents, staff, and community organizations to analyze the racial impact of school policies and practices.

Doe v. Richardson. Civ. A. 98-1165-N (U. S. District Court, Middle District of Alabama, filed October 13, 1998).

In October, 1998, the Southern Poverty Law Center brought a lawsuit against the state of Alabama and two school districts for violating the McKinney-Vento Act and discriminating against a student on the basis of race. The school district had adopted a policy requiring children to enroll in school within the first ten days of the semester. Anyone enrolling later, including homeless children, would only be admitted at the discretion of a special enrollment committee. An African-American student residing at a shelter in the district was refused admission to the local high school, after she tried to enroll more than ten days after school had started. The County Board of Education initially referred her to another high school. However, that school had a tacit policy against enrolling African American students. After learning the student's race, the Board offered to enroll her in a high school an hour away from the shelter.

Overwhelmed by negative press, the state and school district agreed to settle the case immediately. The student was enrolled in the local high school, and the State Board of Education and both involved school districts adopted new policies affirming their duties under the McKinney-Vento Act and their commitment to nondiscrimination. The settlement also required defendants to pay \$5000 in attorney fees and costs associated with the case.

Lampkin v. District of Columbia. 27 F. 3d 605. (Washington DC, 1994).

Ten parents, on behalf of their children, and the National Law Center on Homelessness & Poverty filed a lawsuit in federal court, challenging DC Public Schools' failure to ensure free, appropriate education for children experiencing homelessness, as required by the McKinney-Vento Act. The suit alleged that DCPS was failing to: consider the best interests of children and youth in making school placements; ensure transportation to the schools that were in the students' best interests; coordinate social services and public education; and ensure comparable services and school meals for students experiencing homelessness. The court initially dismissed the suit, but the federal appeals court reversed, agreeing with the plaintiffs that the McKinney-Vento Act created enforceable rights, and returned the case to the lower court. That court then ordered DCPS to identify children experiencing homelessness and refer them for all services required by the law, including transportation, within 72 hours of a family's application for emergency shelter. For the children of the more than 300 families on the waiting list for emergency shelter, the court allowed two weeks. The court also ordered the District to provide tokens to all children and youth in homeless situations who had to travel more than 1.5 miles to school, and also to parents who chose to escort their children to school. DCPS was ordered to pay \$185,000 in attorney fees and costs associated with the case. (Abbreviated summary taken from a document written by L. Norris and P. Julianelle in 2003).

Salazar v. Edwards. 92 CH 5703 (Cir. Ct. Cook County, IL, filed June 12, 1992).

Litigation was filed on behalf of homeless children after the Chicago Public Schools (CPS) failed to meet the requirements of the McKinney-Vento Act and the IL Homeless Education Act. In November of 1996, negotiations resulted in settlement. While the defendants admitted no violation of law, they agreed to remove any perceived barriers to the enrollment, attendance and success in school of homeless children and youth. The settlement covered a broad array of issues, including: discrimination and segregation; identification and immediate enrollment of homeless students; choice of schools and school stability; transportation; dispute resolution; training; coordination; and monitoring. Plaintiffs also received approximately \$260,000 in attorney fees.

In 1999, following persistent noncompliance in several areas, plaintiffs filed a motion to enforce this settlement agreement. The court granted the motion, ordering full compliance with the settlement, a "massive informational campaign addressing the rights of the homeless throughout Chicago", trainings, designation of school personnel to ensure implementation of the settlement, reporting, a court-appointed monitor, and sanctions of up to \$1000 per day for continued noncompliance. Plaintiffs also received an additional \$189,000 in attorney fees.

Appendix D. The McKinney-Vento Homeless Assistance Act³⁹

The McKinney-Vento Homeless Assistance Act

Reauthorized January 2002

Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

Subtitle B--Education for Homeless Children and Youths

SEC. 721. STATEMENT OF POLICY

The following is the policy of the Congress:

- (1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.
- (2) In any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.
- (3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.
- (4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS

- (a) GENERAL AUTHORITY- The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d) through (g).
- (b) APPLICATION- No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.
- (c) ALLOCATION AND RESERVATIONS-
 - (1) ALLOCATION- (A) Subject to subparagraph (B), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary

³⁹ United States Congress. (January 2002). The McKinney-Vento Homeless Assistance Act. Retrieved 10/4/2011 from http://center.serve.org/nche/downloads/mv_full_text.pdf

The McKinney-Vento Homeless Assistance Act (continued)

reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except that no State shall receive less than the greater of--

- (i) \$150,000;
- (ii) one-fourth of 1 percent of the amount appropriated under section 726 for that year; or
- (iii) the amount such State received under this section for fiscal year 2001.

(B) If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (A), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

(2) RESERVATIONS- (A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.

(B)(i) The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), that are consistent with the purposes of the programs described in this subtitle.

(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this subtitle, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

(3) STATE DEFINED- For purposes of this subsection, the term 'State' does not include the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

(d) ACTIVITIES- Grants under this section shall be used for the following:

- (1) To carry out the policies set forth in section 721 in the State.
- (2) To provide activities for, and services to, homeless children, including preschool-aged homeless children, and youths that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.
- (3) To establish or designate an Office of Coordinator for Education of Homeless Children and Youths in the State educational agency in accordance with subsection (f).
- (4) To prepare and carry out the State plan described in subsection (g).
- (5) To develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youths.

(e) STATE AND LOCAL SUBGRANTS-

(1) MINIMUM DISBURSEMENTS BY STATES- From the sums made available each year to carry out this subtitle, the State educational agency shall distribute not less than 75 percent in subgrants to local educational agencies for

The McKinney-Vento Homeless Assistance Act (continued)

the purposes of carrying out section 723, except that States funded at the minimum level set forth in subsection (c)(1) shall distribute not less than 50 percent in subgrants to local educational agencies for the purposes of carrying out section 723.

(2) **USE BY STATE EDUCATIONAL AGENCY-** A State educational agency may use funds made available for State use under this subtitle to conduct activities under subsection (f) directly or through grants or contracts.

(3) **PROHIBITION ON SEGREGATING HOMELESS STUDENTS-**

(A) **IN GENERAL-** Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

(B) **EXCEPTION-** Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if--

- (i) the school meets the requirements of subparagraph (C);
- (ii) any local educational agency serving a school that the homeless children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E);
- and
- (iii) the State is otherwise eligible to receive funds under this subtitle.

(C) **SCHOOL REQUIREMENTS-** For the State to be eligible under subparagraph (B) to receive funds under this subtitle, the school described in such subparagraph shall--

- (i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that--

- (I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);
- (II) sets forth the general rights provided under this subtitle;
- (III) specifically states--

(aa) the choice of schools homeless children and youths are eligible to attend, as provided in subsection (g)(3)(A);

(bb) that no homeless child or youth is required to attend a separate school for homeless children or youths;

(cc) that homeless children and youths shall be provided comparable services described in subsection (g)(4), including transportation services, educational services, and meals through school meals programs; and

The McKinney-Vento Homeless Assistance Act (continued)

(dd) that homeless children and youths should not be stigmatized by school personnel;
and

(IV) provides contact information for the local liaison for homeless children and youths and the State Coordinator for Education of Homeless Children and Youths;

(ii)(I) provide assistance to the parent or guardian of each homeless child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of schools, as provided in subsection (g)(3)(A); and

(II) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

(iii) ensure that the parent or guardian (or, in the case of an unaccompanied youth, the youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

(iv) demonstrate in the school's application for funds under this subtitle that such school--

(I) is complying with clauses (i) and (ii); and

(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with sections 1111 and 1116 of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

(D) SCHOOL INELIGIBILITY- A separate school described in subparagraph (B) that fails to meet the standards, regulations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS- For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B)(ii) shall--

(i) implement a coordinated system for ensuring that homeless children and youths--

(I) are advised of the choice of schools provided in subsection (g)(3)(A);

(II) are immediately enrolled, in accordance with subsection (g)(3)(C), in the school selected under subsection (g)(3)(A); and

(III) are promptly provided necessary services described in subsection (g)(4), including transportation, to allow homeless children and youths to exercise their choices of schools under subsection (g)(3)(A);

The McKinney-Vento Homeless Assistance Act (continued)

- (ii) document that written notice has been provided--
 - (I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school under subparagraph (B); and
 - (II) in accordance with subsection (g)(6)(A)(v);
- (iii) prohibit schools within the agency's jurisdiction from referring homeless children or youths to, or requiring homeless children and youths to enroll in or attend, a separate school described in subparagraph (B);
- (iv) identify and remove any barriers that exist in schools within the agency's jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and
- (v) not use funds received under this subtitle to establish--
 - (I) new or additional separate schools for homeless children or youths; or
 - (II) new or additional sites for separate schools for homeless children or youths, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.

(F) REPORT-

- (i) **PREPARATION-** The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph. The report shall contain, at a minimum, information on--
 - (I) compliance with all requirements of this paragraph;
 - (II) barriers to school access in the school districts served by the local educational agencies; and
 - (III) the progress the separate schools are making in integrating homeless children and youths into the mainstream school environment, including the average length of student enrollment in such schools.
- (ii) **COMPLIANCE WITH INFORMATION REQUESTS-** For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinator for Education of Homeless Children and Youths established in the State under subsection (d)(3), and shall comply with any requests for information by the Secretary and State Coordinator for such State.
- (iii) **SUBMISSION-** Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall submit the report described in clause (i) to--
 - (I) the President;
 - (II) the Committee on Education and the Workforce of the House of Representatives; and
 - (III) the Committee on Health, Education, Labor, and Pensions of the Senate.

The McKinney-Vento Homeless Assistance Act (continued)

(G) DEFINITION- For purposes of this paragraph, the term 'covered county' means--

- (i) San Joaquin County, California;
- (ii) Orange County, California;
- (iii) San Diego County, California; and
- (iv) Maricopa County, Arizona.

(f) FUNCTIONS OF THE OFFICE OF COORDINATOR- The Coordinator for Education of Homeless Children and Youths established in each State shall--

(1) gather reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youths, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the programs under this subtitle in allowing homeless children and youths to enroll in, attend, and succeed in, school;

(2) develop and carry out the State plan described in subsection (g);

(3) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youths within the State;

(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies (including agencies providing mental health services) to provide services to homeless children, including preschool-aged homeless children, and youths, and to families of such children and youths;

(5) in order to improve the provision of comprehensive education and related services to homeless children and youths and their families, coordinate and collaborate with--

(A) educators, including child development and preschool program personnel;

(B) providers of services to homeless and runaway children and youths and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youths);

(C) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

(D) community organizations and groups representing homeless children and youths and their families; and

(6) provide technical assistance to local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of section 722(e)(3) and paragraphs (3) through (7) of subsection (g).

(g) STATE PLAN-

(1) IN GENERAL- Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.

The McKinney-Vento Homeless Assistance Act (continued)

(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their special needs.

(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

(D) A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youths.

(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.

(F) A description of procedures that ensure that--

(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children in the State;

(ii) homeless youths and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services; and

(iii) homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs.

(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by--

(i) immunization and medical records requirements;

(ii) residency requirements;

(iii) lack of birth certificates, school records, or other documentation;

(iv) guardianship issues; or

(v) uniform or dress code requirements.

(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youths in schools in the State.

(J) Assurances that--

(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless;

(ii) local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A); and

(iii) the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of

The McKinney-Vento Homeless Assistance Act (continued)

origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

(I) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

(II) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

(2) COMPLIANCE-

(A) **IN GENERAL-** Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

(B) **COORDINATION-** Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS-

(A) **IN GENERAL-** The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest--

(i) continue the child's or youth's education in the school of origin for the duration of homelessness--

(I) in any case in which a family becomes homeless between academic years or during an academic year; or

(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

(B) **BEST INTEREST-** In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall--

(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local

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educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

(C) ENROLLMENT- (i) The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D).

(D) RECORDS- Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained--

(i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and

(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(E) ENROLLMENT DISPUTES- If a dispute arises over school selection or enrollment in a school--

(i) the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

(iv) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

(F) PLACEMENT CHOICE- The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

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(G) **SCHOOL OF ORIGIN DEFINED-** In this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

(H) **CONTACT INFORMATION-** Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

(4) **COMPARABLE SERVICES-** Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

(A) Transportation services.

(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

(C) Programs in vocational and technical education.

(D) Programs for gifted and talented students.

(E) School nutrition programs.

(5) **COORDINATION-**

(A) **IN GENERAL-** Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate--

(i) the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

(ii) with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

(B) **HOUSING ASSISTANCE-** If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

(C) **COORDINATION PURPOSE-** The coordination required under subparagraphs (A) and (B) shall be designed to--

(i) ensure that homeless children and youths have access and reasonable proximity to available education and related support services; and

(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

(6) **LOCAL EDUCATIONAL AGENCY LIAISON-**

(A) **DUTIES-** Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that--

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- (i) homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
- (ii) homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;
- (iii) homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;
- (iv) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- (v) public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens;
- (vi) enrollment disputes are mediated in accordance with paragraph (3)(E); and
- (vii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A).

(B) NOTICE- State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the local educational agency liaisons.

(C) LOCAL AND STATE COORDINATION- Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.

(7) REVIEW AND REVISIONS-

(A) IN GENERAL- Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).

(B) CONSIDERATION- In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

(C) SPECIAL ATTENTION- Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.

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**SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE
EDUCATION OF HOMELESS CHILDREN AND YOUTHS**

(a) GENERAL AUTHORITY-

(1) **IN GENERAL-** The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youths.

(2) SERVICES-

(A) IN GENERAL- Services under paragraph (1)--

(i) may be provided through programs on school grounds or at other facilities;

(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youths with nonhomeless children and youths; and

(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not to replace such services provided under such program.

(B) SERVICES ON SCHOOL GROUNDS- If services under paragraph (1) are provided on school grounds, schools--

(i) may use funds under this subtitle to provide the same services to other children and youths who are determined by the local educational agency to be at risk of failing in, or dropping out of, school, subject to the requirements of clause (ii); and

(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in settings within a school that segregate homeless children and youths from other children and youths, except as necessary for short periods of time--

(I) for health and safety emergencies; or

(II) to provide temporary, special, and supplementary services to meet the unique needs of homeless children and youths.

(3) **REQUIREMENT-** Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

(b) APPLICATION- A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

(1) An assessment of the educational and related needs of homeless children and youths in the area served by such agency (which may be undertaken as part of needs assessments for other disadvantaged groups).

(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

(3) An assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year

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preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

(5) A description of policies and procedures, consistent with section 722(e)(3), that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youths.

(c) AWARDS-

(1) **IN GENERAL-** The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

(2) **NEED-** In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youths enrolled in preschool, elementary, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youths and the ability of the local educational agency to meet such needs. The State educational agency may also consider the following:

(A) The extent to which the proposed use of funds will facilitate the enrollment, retention, and educational success of homeless children and youths.

(B) The extent to which the application--

(i) reflects coordination with other local and State agencies that serve homeless children and youths; and

(ii) describes how the applicant will meet the requirements of section 722(g)(3).

(C) The extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youths.

(D) Such other criteria as the State agency determines appropriate.

(3) **QUALITY-** In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

(A) The applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs.

(B) The types, intensity, and coordination of the services to be provided under the program.

(C) The involvement of parents or guardians of homeless children or youths in the education of their children.

(D) The extent to which homeless children and youths will be integrated within the regular education program.

(E) The quality of the applicant's evaluation plan for the program.

(F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youths and their families.

(G) Such other measures as the State educational agency considers indicative of a high-quality program, such as the extent to which the

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local educational agency will provide case management or related services to unaccompanied youths.

(4) DURATION OF GRANTS- Grants awarded under this section shall be for terms not to exceed 3 years.

(d) AUTHORIZED ACTIVITIES- A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State academic content standards and challenging State student academic achievement standards the State establishes for other children and youths.

(2) The provision of expedited evaluations of the strengths and needs of homeless children and youths, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational and technical education, and school nutrition programs).

(3) Professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youths, the rights of such children and youths under this subtitle, and the specific educational needs of runaway and homeless youths.

(4) The provision of referral services to homeless children and youths for medical, dental, mental, and other health services.

(5) The provision of assistance to defray the excess cost of transportation for students under section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3).

(6) The provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged homeless children.

(7) The provision of services and assistance to attract, engage, and retain homeless children and youths, and unaccompanied youths, in public school programs and services provided to nonhomeless children and youths.

(8) The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.

(10) The provision of education and training to the parents of homeless children and youths about the rights of, and resources available to, such children and youths.

(11) The development of coordination between schools and agencies providing services to homeless children and youths, as described in section 722(g)(5).

(12) The provision of pupil services (including violence prevention counseling) and referrals for such services.

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- (13) Activities to address the particular needs of homeless children and youths that may arise from domestic violence.
- (14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.
- (15) The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.
- (16) The provision of other extraordinary or emergency assistance needed to enable homeless children and youths to attend school.

SEC. 724. SECRETARIAL RESPONSIBILITIES

- (a) **REVIEW OF STATE PLANS-** In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of homeless children and youths relating to access to education and placement as described in such plan.
- (b) **TECHNICAL ASSISTANCE-** The Secretary shall provide support and technical assistance to a State educational agency to assist such agency in carrying out its responsibilities under this subtitle, if requested by the State educational agency.
- (c) **NOTICE-** The Secretary shall, before the next school year that begins after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, create and disseminate nationwide a public notice of the educational rights of homeless children and youths and disseminate such notice to other Federal agencies, programs, and grantees, including Head Start grantees, Health Care for the Homeless grantees, Emergency Food and Shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.
- (d) **EVALUATION AND DISSEMINATION-** The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.
- (e) **SUBMISSION AND DISTRIBUTION-** The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.
- (f) **DETERMINATION BY SECRETARY-** The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 721(1).
- (g) **GUIDELINES-** The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, school enrollment guidelines for States with respect to homeless children and youths. The guidelines shall describe--
 - (1) successful ways in which a State may assist local educational agencies to immediately enroll homeless children and youths in school; and
 - (2) how a State can review the State's requirements regarding immunization and medical or school records and make such revisions to the requirements as are appropriate and necessary in order to enroll homeless children and youths in school immediately.

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(h) INFORMATION-

(1) **IN GENERAL-** From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding--

- (A) the number and location of homeless children and youths;
- (B) the education and related services such children and youths receive;
- (C) the extent to which the needs of homeless children and youths are being met; and
- (D) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

(2) **COORDINATION-** The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

(i) **REPORT-** Not later than 4 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youths, which shall include information on--

- (1) the education of homeless children and youths; and
- (2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

SEC. 725. DEFINITIONS

For purposes of this subtitle:

(1) The terms 'enroll' and 'enrollment' include attending classes and participating fully in school activities.

(2) The term 'homeless children and youths'--

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes--

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; 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;

(ii) 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 (within the meaning of section 103(a)(2)(C));

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

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(3) The terms 'local educational agency' and 'State educational agency' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965.

(4) The term 'Secretary' means the Secretary of Education.

(5) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(6) The term 'unaccompanied youth' includes a youth not in the physical custody of a parent or guardian.

SEC. 726. AUTHORIZATION OF APPROPRIATIONS

For the purpose of carrying out this subtitle, there are authorized to be appropriated \$70,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2007.'