July 27, 2016

Dear Colleague:

Pursuant to section 724(c) of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), as amended by the Every Student Succeeds Act (ESSA), I am writing to inform you of the educational rights of homeless children and youths under the McKinney-Vento Act.[1] This particularly vulnerable population of children has been increasing; from the 2006-2007 school year to the 2013-2014 school year, the total number of homeless children and youths approximately doubled.[2] Thus, it is more important than ever to ensure homeless children and youths do not face obstacles to enrolling, attending, and succeeding in school.

Who are homeless children and youths? [3]

Homeless children and youths are individuals who lack a fixed, regular, and adequate nighttime residence, including:

- **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; or are abandoned in hospitals;**
- **Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;**
- **Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and**
- **Migratory children who qualify as homeless because the children are living in circumstances described above.**

McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B, Section 725(2)

Under the McKinney-Vento Act, State and local educational agencies (SEAs and LEAs) must ensure that homeless children and youths have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths. To this end, SEAs and LEAs must review and undertake steps to revise laws, regulations, practices, or policies that may act as a barrier to the identification, enrollment, attendance, or success of homeless children and youths in school. In particular, SEAs and LEAs must review and revise policies to remove barriers to enrollment[4] and retention in school for homeless students. Additionally, SEAs and LEAs must identify and remove barriers that prevent homeless youths separated from public schools from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school.

Homeless children and youths must have access to the educational and other services they need to ensure that they have an opportunity to meet the same challenging State academic standards to which all students are held.

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[1] The ESSA amendments to the McKinney-Vento Act will become effective on October 1, 2016.

[2] To view the Federally Required State Data Collection for the McKinney-Vento Education Assistance Improvements Act of 2001, please visit: http://www2.ed.gov/programs/homeless/performance.html.

[3] The McKinney-Vento Act no longer includes children and youths who are "awaiting foster care placement" in the definition of "homeless children and youths." For all but a few "covered" States, this change is effective on December 10, 2016. However, Title I, Part A of the Elementary and Secondary Education Act, as amended by the ESSA, includes new provisions for ensuring the educational stability of children in foster care. Joint U.S. Department of Education (ED) and Department of Health and Human Services (HHS) guidance on those provisions can be found at http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf.

[4] Under section 725(1) of the McKinney-Vento Act, the terms "enroll" and "enrollment" include attending classes and participating fully in school activities.

Furthermore, SEAs, LEAs, and schools may not separate students from the mainstream school environment on the basis of their homelessness.

To help ensure that homeless children and youths enroll, and have a full opportunity to succeed, in the schools of the LEA, every LEA must designate a local liaison for homeless children and youths. In addition, every SEA must have an Office of Coordinator for Education of Homeless Children and Youths and must post local liaison contact information on its website. Links to those webpages can be found at http://center.serve.org/nche/states/state_resources.php.

The ESSA amended a number of key provisions of the McKinney-Vento Act, which take effect on October 1, 2016. With these changes –

- There is greater emphasis on the identification of homeless children and youths, including requirements that SEAs and LEAs provide training and professional development opportunities for staff so that they can identify and meet the needs of homeless children and youths and to ensure that State coordinators and local liaisons are able to carry out their duties.
- Homeless students who meet the relevant eligibility criteria must not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs.
- There is a presumption that keeping homeless children and youths enrolled in the school of origin is in the child's or youth's best interest, except when contrary to the request of the child's or youth's parent or guardian, or the youth (in the case of an unaccompanied youth). The school of origin is defined as the school the homeless child or youth attended when permanently housed or the school in which the child or youth was last enrolled, which now includes preschools and "receiving schools" (i.e., the school a child or youth is to attend after completing the final grade level at the school of origin). A homeless child or youth must be able to remain in his or her school of origin for the duration of homelessness or until the end of the school year in which the child or youth becomes permanently housed.
- Dispute resolution procedures can now address eligibility issues, in addition to school selection and enrollment. If a parent, guardian, or youth initiates a dispute with an LEA, the child or youth must be immediately enrolled in the school in which placement is sought and, at the request of a parent, guardian, or, in the case of an unaccompanied youth, the local liaison, be provided transportation to or from the school of origin for the duration of the dispute, including appeals to the SEA.
- There is new authority for local liaisons to affirm the eligibility of identified homeless children and youths who meet the definition of homeless for programs administered by the U.S. Department of Housing and Urban Development.

For more detailed information on requirements under the McKinney-Vento Act, as amended by the ESSA, please note that on July 27, 2016, the U.S. Department of Education (ED) issued updated non-regulatory EHCY program guidance, available at http://www2.ed.gov/programs/homeless/legislation.html. Additionally, on March 17, 2016, ED published in the *Federal Register* guidelines for SEAs and LEAs on implementing the ESSA amendments to the McKinney-Vento Act, which are available on the same webpage.

It is critical that agencies and organizations that serve homeless children and youths are aware of the educational rights of homeless children and youths. Therefore, we request your assistance in disseminating this information among the agencies, organizations, and other entities with which you associate. If any of your local grantees would like posters on the educational rights of homeless children and youths, they may download color versions of posters from the website of the National Center for Homeless Education (NCHE) at SERVE: http://center.serve.org/nche/online_order.php or order a maximum of 20 free copies of posters once per year through this website, in addition to other materials printed in English and Spanish.

Please note that in conjunction with my role as the current Vice Chair of the U.S. Interagency Council on Homelessness, ED has been an active participant and leader in the Federal interagency effort to prevent and end all forms of homelessness by 2020 and to improve coordination across Federally funded programs serving homeless children and youths at the regional, State, and local levels. Consistent with these goals, I encourage the recipients of this letter (Federal, regional, State, and local entities that target or prioritize services for homeless children and youths) to work together and coordinate with their SEA and LEA contacts to improve services for homeless children and youths. We encourage these entities to get to know each other, meet periodically to discuss topics of mutual benefit, and compare data on homeless children and youths in their communities for the purpose of planning, evaluation, and coordination. This coordination will ensure that homeless children, youths, and their families are connected to and receiving the critical services and supports they need while experiencing homelessness, including housing assistance, health care, and food.

If you need further information or have questions regarding the education of children and youths experiencing homelessness, please contact John McLaughlin at 202-401-0962, HomelessEd@ed.gov, or call the toll-free NCHE Helpline at 800-308-2145 or visit their website at www.serve.org/nche.

Thank you for your assistance in helping homeless children and youths enroll, attend, and succeed in school.

Sincerely,

/s/

John B. King, Jr.