

Serving Students Experiencing Homelessness or Foster Care: Special Education Edition

Directors' Webinar

March 12, 2024

Agenda

- Defining McKinney Vento and Foster Care
- Educational Rights for Students Experiencing Homelessness or Foster Care
- Immediate Enrollment
- Discussion/ Questions

Defining McKinney-Vento and Foster Care



Who Does McKinney-Vento Serve?

McKinney-Vento Definition of Homeless Students

Individuals whose nighttime residence is NOT:

- Fixed—stationary, permanent, and not subject to change
- Regular—used on a predictable, routine, or consistent basis
- Adequate—sufficient for meeting both the physical and psychological needs typically met in the home
(42 U.S.C. §11434A(2)(B)(i))

Can the student go to the SAME PLACE (fixed) EVERY NIGHT (regular) to sleep in a SAFE AND SUFFICIENT SPACE (adequate)?

Who Does McKinney-Vento Serve?

Definition of Unaccompanied Homeless Youth (UHY)

- **Unaccompanied** = not in the physical custody of a parent or guardian; in practical terms, this means the youth does not live with the parent or guardian.
- **2-Step Process:**
 1. Does the student's living arrangement meet the McKinney-Vento Act's definition of homeless?
 2. Once homelessness is determined, is the student unaccompanied?

Defining Foster Care

- The U.S. Department of Education (ED) follows the definition of “foster care” established by the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act).
- Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare (CWA) has placement and care responsibility.
- Foster care includes placements in:
 - Foster family homes
 - Kinship homes
 - Group homes
 - Emergency shelters
 - Residential facilities
 - Childcare institutions
 - Pre-adoptive homes



Educational Rights for Students Experiencing Homelessness or Foster Care

Rights for Students Experiencing Homelessness or Foster Care

- Required foster care transportation plans between LEAs and child welfare agencies
- **Immediate enrollment**
- Students experiencing homelessness or in foster care should remain in their current schools until a best interest determination is made
- All LEAs must have a POC for youth in foster care
- Removal of “awaiting foster care placement” from the McKinney-Vento Homeless Assistance Act

Immediate Enrollment

ESSA Requirements:

- If it's not in the child's best interest to stay in his or her school of origin, the student must be immediately enrolled in the new school, even if the child is unable to produce records normally required for enrollment.
- The enrolling school shall immediately contact the school last attended to obtain relevant academic and other records

Immediate Enrollment (continued)

ESSA Guidance:

- A child can't be denied enrollment because they don't have proper documentation.
- A child should also be attending classes and receiving appropriate academic services.
- SEAs and LEAs should review policies to remove barriers to immediate enrollment.

Foster Care Provisions: Immediate Enrollment

What does it mean for a child to be “immediately enrolled” in a new school?

- Immediate enrollment means that a child in foster care should be enrolled in a new school as soon as possible in order to prevent educational discontinuity. In addition, enrollment must not be denied or delayed for any population of students (e.g., justice-involved youth in foster care, students with disabilities receiving special education and related services, or ELs receiving language services) because documents normally required for enrollment have not been provided. (See ESEA section 1111(g)(1)(E)).

Dear Colleague Letter: Special Ed Directors

Non-regulatory Guidance:

- In 2013 and 2022, ED's Office of Special Education and Rehabilitation Services released a [DCL](#) on highly mobile children with disabilities, which highlighted several important issues that are relevant to educational stability for children in foster care.
- The [DCL](#) emphasized timely and expedited evaluations and eligibility determinations for highly mobile children with disabilities and clarified that such children must have access to comparable services (including summer and other extended school year services, if applicable).

Quote of the Day

“When you make the decision to help a child in need, you have significantly altered the trajectory of a life forever. Generations to come will never be the same.” - Unknown



Questions

GaDOE

Contact Information

Eric McGhee

Grants Program Manager
Federal Programs Division
Twin Towers East, Suite 1562
Atlanta, GA 30334

emcghee@doe.k12.ga.us

Melanie Barner

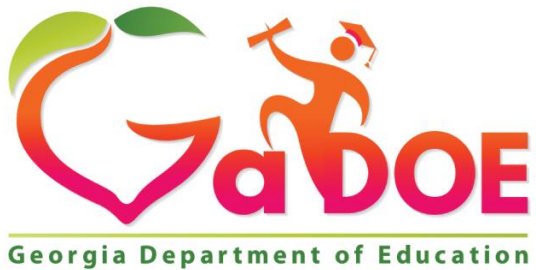
Grant Program Consultant
Foster Care Education/
Neglected and Delinquent
Twin Towers East, Suite 1562
Atlanta, GA 30334

Melanie.barner@doe.k12.ga.us

www.gadoe.org

   @georgiadeptofed

 youtube.com/user/GaDOEmedia



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