



Project HOPE New River Valley

New Every Student Succeeds Act Brings Changes to Homeless Laws

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On December 10, 2015, President Obama signed into law the **Every Student Succeeds Act (ESSA)**, reauthorizing the Elementary and Secondary Education Act (ESEA). ESSA strengthens ESEA in notable ways, including new provisions related to the education of homeless children and youth. ESSA will increase the identification, enrollment, stability and school success of children and youth experiencing

homelessness. It also includes core protection for school stability and school access for children and youth in foster care outlining clear, distinct and appropriate responsibilities for both the education and child welfare agencies. A webinar which outlines the changes in the new law can be accessed at <https://www.youtube.com/watch?v=eR7BrhSEf6M> A six page summary of the major amendments can be accessed at



<http://www.naehcy.org/sites/default/files/dl/legis/ESEAFINALSUMMARYSHORTFINAL.pdf>

This newsletter will be devoted to some of those changes.

Project HOPE NRV is a regional program for Homeless Education which includes the five school divisions in the New River Valley.

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What Remains the Same? The DOE Definition of Homelessness.

The definition of “homeless children and youth” will remain the same as in the previous legislation. It means individuals who lack a “fixed, regular and adequate nighttime residence.” This might include children who are sharing the housing of other persons due to loss of housing or economic

hardship; living in motels or hotels; living in emergency or transitional shelters; or in a public or private place not designed for ordinary use as a regular sleeping accommodation such as a car. It is important that we not forget the unaccompanied

children and youth who are not living with their guardians because of a situation which has made it impossible for them to live at home. This might be because DSS has deemed the home as inappropriate or perhaps, in the case of older children, family conflicts have made it too difficult for the child to live at home.

School Stability Under the ESSA



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It is now the presumption that staying in the school of origin is in the child or youth's best interest unless it is against the wishes of the parent, guardian or unaccompanied youth. This has always been the practice in the NRV but it is now the law. Factors that are considered are student-centered factors no longer what is "feasible."

Written explanation including the right to appeal the decision is necessary in the case of a dispute.

Transportation to the school of origin is to last THROUGH OUT the school year EVEN when the family is permanently housed. This decision is based on a best interest determination. For example, if it is near the beginning of the school year, it may well be determined that schooling in the district where the family is permanently housed is best. Conversely, if it is in the middle or end of the school year, it may be determined that transportation to the school of origin is in the best interest of the student.



The school of origin has been redefined to include feeder schools. It is assumed that a student will continue with his/her peers into the school in which the peers are transitioning.

FERPA Family Educational Rights and Privacy Act

Schools must treat information about a homeless child's or youth's living situation as a student education record, subject to all the protections of the Family Educational Rights and Privacy Act. For this

reason school staff may not contact landlords or other persons to verify living situations without releases as specified under FERPA.



Professional Development Opportunity

McKinney-Vento School Selection Rights: Changes Under ESSA

Monday, January 30, 2017 | 2:00 PM - 3:00 PM ET (*please adjust for your time zone*)

Register: <https://uncq.webex.com/uncq/onstage/q.php?MTID=eb9fd2d971d8d63b90f21e90335451f1e>

Description: In this interactive webinar, presenters will review important changes related to school selection for homeless children and youth under the McKinney-Vento Act, as amended by the Every Student Succeeds Act (ESSA). Presenters will review:

- ESSA basics, including key implementation dates
- Changes to the definition of "school of origin"
- Changes related to determining the best interest of the child or youth in terms of school selection
- Changes related to the provision of transportation to currently homeless students and formerly homeless students who have become permanently housed
- Changes to the McKinney-Vento dispute resolution process, including disputes about school enrollment and selection

Attendees will have the opportunity to interact with presenters and fellow attendees through polls and discussion periods.

Presenters: NCHC Staff