



COMMONWEALTH of VIRGINIA
Department of Education

April 21, 2017

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: Summary of Changes for the Education of Homeless Children and Youth Program under the *Every Student Succeeds Act*

This memo contains a summary of the legislative changes in the McKinney-Vento Education of Homeless Children and Youths (EHCY) program under the *Every Student Succeeds Act* (ESSA). It also contains supplemental guidance on school of origin transportation for students with disabilities who have transportation as a related service in their Individualized Education Programs (IEPs), and a request for input on the EHCY State Plan for Virginia.

Legislative Summary

Under ESSA, the McKinney-Vento EHCY program is now Title IX, Part A. The amendments became effective **October 1, 2016**. Local homeless education liaisons have received updates regarding these changes through Project HOPE-Virginia regional trainings, emails, letters and a page on the HOPE website dedicated to the ESSA transition. This site contains current resources, including a webinar recorded in May 2016 that addressed the amendments in ESSA and how they were likely to affect Virginia. This webpage can be found at:

<http://education.wm.edu/centers/hope/legislative/ESSAtransition/index.php> 

Many of the changes for the EHCY program codify what has been best practice and already occurring in Virginia. Some changes are more significant and will require adjustments to state and local practices, such as an expanded definition of school of origin and transportation mandates. This memo includes a summary of the changes in ESSA for homeless education as an attachment.

Guidance for Students with Disabilities

The United States Department of Education issued updated Non-regulatory Guidance in March 2017. One additional question addresses students with disabilities experiencing homelessness (Item J-12 on page 30). To summarize, when students with disabilities who are experiencing homelessness and have transportation as a related service in their IEPs are receiving school of origin transportation, state policies should be considered.

In Virginia, when students with disabilities experiencing homelessness who have transportation as a related service in their IEPs are receiving school of origin transportation, local, *Individuals with Disabilities Education Act* (IDEA) or McKinney-Vento funds may be used to cover the excess cost of transportation. Free Appropriate Public Education (FAPE) remains with the school division in which the student is enrolled; however, the excess cost of transportation may be shared across localities, consistent with McKinney-Vento.

Request for Input on the EHCY State Plan

The state plan for the McKinney-Vento ECHY program will be submitted under Virginia's ESSA Consolidated State Plan and is due September 18, 2017. [A draft of the ECHY state plan will be found at: http://education.wm.edu/centers/hope/legislative/ESSAtransition/draftplan/HOPEstateplan2017topost.pdf](http://education.wm.edu/centers/hope/legislative/ESSAtransition/draftplan/HOPEstateplan2017topost.pdf). Project HOPE-Virginia is requesting feedback on the plan and can be submitted online or by contacting the HOPE office.

If you have questions, please contact Patricia A. Popp, State Coordinator, at pxpopp@wm.edu or (757) 221-7776.

SRS/PRP/nlc

Attachment:

- A. [McKinney-Vento Education for Homeless Children and Youth Program Changes Under the Every Student Succeeds Act](#) (PDF)