UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

Dear State Title I and Homeless Education Coordinators: JUL 22 2014

I am writing to provide updated information regarding the use of Title funds to provide services to homeless children and youth. This letter supersedes my March 21, 2014, letter regarding new authority in the Consolidated Appropriations Act, 2014, related to the use of fiscal year (FY) 2014 Title I funds for such purposes. As a result of questions that the U.S. Department of Education (ED) received regarding that letter, the answer to the final question was revised to clarify that the existing requirement under ESEA section 1113(c)(3)(A) to provide comparable services to homeless children who attend non-Title I schools in no way inhibits a local educational agency's (LEA) discretion under the new authority to use Title I funds to support a homeless liaison and school-of-origin transportation. However, please note that, otherwise, the content of this letter is substantially the same as the March 21 letter.

Serving homeless children is an integral part of Title I. This essential connection is reflected by the requirement for coordination between activities under the Education for Homeless Children and Youth Program authorized by the McKinney-Vento Homeless Assistance Act (McKinney-Vento) and under Title I and by specific Title I requirements that pertain to Title I services to homeless children and youth.[1] For example, homeless children and youth who attend a Title I schoolwide program school must be included in the school's needs assessment and benefit from the education program designed to address those needs. Homeless children and youth who attend a Title I targeted assistance school are automatically eligible for Title I services. This eligibility is based on their status as homeless and is not dependent on low academic achievement. Whether or not homeless children and youth are determined to be most in need of Title I services depends on the relative needs of all eligible children in a targeted assistance school. In making those determinations, a school might decide that homeless children and youth have greater needs because they possibly face problems of attendance and homework completion due to recurrent moves and, therefore, may be at greater risk of failure than other children who are not faced with the disruption associated with homelessness.

Under ESEA section 1115(b)(2)(E), homeless children and youth who attend any school served in an LEA, regardless of whether or not the school receives Title I funds, are eligible to receive Title I services. To ensure that resources are available for this purpose, ESEA section 1113(c)(3)(A) requires an LEA to reserve from its Title I allocation "...such funds as are necessary" to provide to homeless children and youth who attend non-Title I schools "services comparable to those provided to children in schools" funded under Title I. Therefore, an LEA must annually determine an appropriate reservation amount and uses for that reservation in order to provide comparable services. An LEA can do so

[1] Information on coordination is available at: http://www2.ed.gov/programs/titleiparta/resources.html and http://www.center.serve.org/nche/ibt/sc_titlei.php.

through a comprehensive needs assessment or another similar approach.[2] As part of this process, the LEA should involve the homeless liaison required under section 722(g)(l)(J)(ii) of McKinney-Vento, especially given the critical role the liaison plays in coordinating services to ensure that homeless children and youth have the opportunity to succeed academically. The services supported by the reservation may include providing educationally-related support services to homeless children and youth in shelters and other locations where they may live. For additional examples of activities for homeless children and youth that an LEA might include in its Title I program, see G-11 in the Title I use of funds guidance [available at: http://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf].

ED had been asked previously if Title I funds may be used to meet two requirements of McKinney-Vento: (1) to provide a local homeless liaison; and (2) to pay the costs to transport homeless children and youth to and from their school of origin. The prior answers to these questions were qualified based on the applicable statutory requirements. New authority in the Consolidated Appropriations Act, 2014, as described below, expands the allowable use of Title I funds to support these activities. Specifically, the appropriations language states:

> *Provided further,* That funds available under sections 1124, 1124A, 1125 and 1125A of the ESEA may be used to provide homeless children and youths with services not ordinarily provided to other students under those sections, including supporting the liaison designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act, and providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act.

The following questions and answers cover topics related to this expanded authority.

To which fiscal years' Title I funds does the appropriations language apply?

The appropriations language applies to FY 2014 Title I funds and, under the authority in section 425(b) of the General Education Provisions Act (GEPA), to FYs 2012 and 2013 Title I carryover funds as well. Accordingly, an LEA may spend funds from its FY 2014 Title I allocation and unobligated Title I carryover funds to pay for the homeless liaison or to transport homeless children and youth to their school of origin.

The information that follows regarding the use of Title I funds applies only to funds subject to the authority in the FY 2014 appropriations act.

May Title I funds be used to support in full an LEA's homeless liaison?

Yes. Section 722(g)(1)(J)(ii) of McKinney-Vento requires each LEA in a State that receives McKinney-Vento funds to designate an appropriate staff person, *who may also be a coordinator for other Federal programs,* as a liaison for homeless children and youth. Prior to the FY 2014 appropriations language, ED indicated that, because the highlighted language specifically permits another Federally-funded coordinator to perform these duties, an individual paid, in whole or in part, with Title I funds may serve as a homeless liaison in addition to his or her Title I duties. Consistent with the appropriations language cited above, an LEA may use funds from its FY 2014 Title I grant (and, consistent with GEPA section 425(b), Title I carryover funds) to fund all or part of the homeless liaison's salary even if that person has no Title I duties.

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[2] Information on an approach to the needs assessment for the homeless reservation is available at: http://www.center.serve.org/nche/ibt/needs_assess.php.

May Title I funds be used to transport homeless children and youth to their school of origin?

Yes. If a State educational agency (SEA) receives McKinney-Vento funds, the SEA and its LEAs must adopt policies and practices to ensure that transportation is provided to homeless children and youth, at the request of the parent or guardian (or, in the case of an unaccompanied youth, the liaison), to and from the "school of origin"[3] in accordance with applicable requirements, including the following:

- If the homeless child or youth continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange for the child or youth's transportation to and from the school of origin.

- If the homeless child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living must 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 LEAs cannot agree upon a method, the responsibility and costs for transportation must be shared equally.

The FY 2014 appropriations language, however, specifically authorizes an LEA to use FY 2014 Title I funds (and, consistent with GEPA section 425(b), Title I carryover funds) to pay transportation costs associated with transporting homeless children and youth to and from their school of origin. These allowable costs are the incremental costs to transport a homeless child or youth to his or her school of origin above what the LEA would have otherwise provided to transport the student to his or her assigned school.[4]

May an LEA use funds it reserves under ESEA section 1113(c)(3)(A) to pay for a homeless liaison or to provide transportation to the school of origin?

Yes. The Consolidated Appropriations Act, 2014 expanded the allowable uses of Title I, ESEA funds to include supporting a homeless liaison and transporting homeless children and youth to their school of origin. The requirement under ESEA section 1113(c)(3)(A) that an LEA set aside sufficient Title I funds to provide comparable Title I services to homeless children and youth who attend non-Title I schools does not restrict the amount of Title I funds that an LEA may decide to use under the new authority to support a homeless liaison and to transport homeless children and youth to their school of origin. As before, LEAs must continue to provide homeless children and youth with the comparable services required by ESEA section 1113(c)(3)(A), and using Title I funds to support a homeless liaison and to transport homeless children and youth to their school of origin does not satisfy an LEAs "comparable services" obligation. Note that the McKinney-Vento Homeless Assistance Act requires

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[3] The school of origin is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

[4] Prior to the FY 2014 appropriations language, an LEA could not use Title I funds to transport homeless children and youth while they were homeless to and from their school of origin. Because transportation services to and from the school of origin are mandated under McKinney-Vento, even if an LEA does not receive McKinney-Vento funds, the supplement not supplant provisions in Title I prohibited the LEA from using Title I funds to support activities that the LEA would otherwise be required by law to provide.

LEAs in States that receive funding under McKinney-Vento, which currently all States do, to provide a homeless liaison and to provide transportation for homeless children and youth to their school of origin, regardless of the amount of Title I funds, if any, that the LEA decides to use to support such activities.

I hope that this information helps SEAs and LEAs to plan Title I activities for the 2014–2015 school year that benefit all students served by the program, including homeless children and youth. If there are any questions about the contents of this letter, please contact John McLaughlin (202-401-0962) or Todd Stephenson (202-205-1645).

Sincerely,

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