

GUIDANCE ON THE HOMELESS EDUCATION DISASTER ASSISTANCE PROGRAM

INTRODUCTION

A-1. What is the Homeless Education Disaster Assistance program?

The Homeless Education Disaster Assistance program is a new, one-year program under which the U.S. Department of Education (ED) provides financial assistance to local educational agencies (LEAs) whose enrollment of homeless students has increased as a result of a natural disaster¹ that occurred in calendar year 2008 (2008). The program supports activities that address the educational and related needs of homeless students consistent with the requirements of section 723(d) of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act).

A-2. What is the legislative authority for the program?

The program was established as part of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 at Div. B, Title I, Chapter 7, Pub. L. 110-329 (Sept. 30, 2008). (A copy of this authority is attached to this guidance as Appendix A.)

A-3. How much funding has been appropriated for this program?

Congress has appropriated \$15 million for the program.

A-4. What is meant by the term “homeless children and youth”?

Section 725 of the McKinney-Vento Act defines “homeless children and youth” as individuals who lack a fixed, regular, and adequate nighttime residence. The term includes children and youth who are:

- sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as *doubled-up*);
- living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
- living in emergency or transitional shelters;
- abandoned in hospitals; or
- awaiting foster care placement;

It also includes children and youth 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 youth who are living in cars, parks,

¹ See Question B-6 for the definition of the term “natural disaster” for purposes of this program.

public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and migratory children who qualify as homeless because they are living in circumstances described above.

PROGRAM ELIGIBILITY AND ALLOCATION OF FUNDS

B-1. Which LEAs are eligible to apply for program funds?

An individual LEA or a group of LEAs located within the same State that have formed a consortium may apply for funding if the individual LEA or a consortium² had a total of at least fifty enrolled students in one or more grades, kindergarten through grade twelve, who became homeless as a result of a natural disaster that occurred during 2008. Due to the limited amount of funding available, only LEAs that meet this minimum threshold are eligible for a grant.

B-2. How did ED establish the eligibility threshold of fifty enrolled students made homeless by natural disasters in 2008?

The purpose of the Homeless Education Disaster Assistance program is to award funds to LEAs whose enrollment of homeless students has increased as a result of natural disasters in 2008 based on demonstrated need. As there is no nationwide data on this specific population, ED determined a threshold of demonstrated need based on informal consultation with State Coordinators of Homeless Education programs. State coordinators from States directly affected by natural disasters, as well as States that enrolled students whose families were made homeless by the disasters, provided information on the status of homeless student enrollment in small, medium, and large LEAs. Based on this consultation, ED determined that requiring a minimum of fifty enrolled homeless students would meet the demonstrated needs of a broad range of LEAs as well as meet the intent of this program.

B-3. How will ED award funds under the program?

ED will award grants by formula to eligible LEAs on the basis of demonstrated need. In determining an LEA's need for assistance, ED will consider the number of students enrolled in the LEA in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred in 2008. Specifically, ED will calculate each LEA's award amount based on the quotient obtained by dividing the number of its enrolled students in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred in 2008 by the total number of such students for all LEAs submitting an application. When determining grant award amounts, the Department will treat each eligible consortium as a single LEA.

² For the remainder of this guidance, except where specifically noted, the term LEA refers to either a single LEA or a consortium of LEAs located within the same State that has a total of at least fifty enrolled students in one or more grades kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred during 2008.

B-4. How does an eligible LEA apply for funding under the program?

An individual LEA seeking funds under the Homeless Education Disaster Assistance program must submit an electronic application to ED by the deadline established in the Federal Register. The application must include, among other things, data indicating the number of students in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred in 2008 and identification of the specific natural disasters that resulted in their homelessness.

If a group of LEAs applies as a consortium for funds under the Homeless Education Disaster Assistance program, the members of the group shall designate one member of the consortium to submit an electronic application to ED by the deadline date. The application submitted by the designated member must (1) identify the LEAs that make up the consortium; (2) provide data indicating for each LEA in the consortium the number of students in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred in 2008 and identify the specific natural disasters that resulted in their homelessness; and (3) indicate the total number of such homeless children for all the LEAs in the consortium.

B-5. How does a consortium of LEAs distribute program funds received among its member LEAs?

The amount of funding that a consortium of LEAs receives under this program is based on the total number of students in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred in 2008 for all the LEAs that are members of the consortium. The designated LEA that submits an application to the Department on behalf of the consortium members shall distribute any funds received by the consortium to each member LEA based on its proportionate share of the total number of children made homeless as a result of a natural disaster in 2008 for the consortium as a whole or shall distribute such funds based on an alternative needs-based method agreed to in writing by all member LEAs.

B-6. What is meant by the term “natural disaster”?

For the purpose of this program, a natural disaster is a major disaster declared by the President under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974. The Federal Emergency Management Agency (FEMA) maintains a list of such disasters at <http://www.fema.gov/news/disasters.fema#sev1>. In providing data on the number of students who became homeless as a result of a natural disaster that occurred in 2008, each applicant LEA should count only those students who became homeless as a result of one of the major disasters listed on the FEMA web site. Students who may have become homeless solely as a result of an “emergency declaration” or “fire management assistance declaration” or a State or local disaster declaration may not be counted for purposes of the eligibility and allocation data that an LEA submits to ED.

B-7. Must an LEA have documentation supporting its count of homeless children?

Yes. Each LEA that applies for funding must maintain documentation substantiating that the students included in the count submitted to ED became homeless as a result of a natural disaster that occurred during 2008. While the application itself requests only the number of such homeless students and identification of the related natural disasters that resulted in their homelessness, the LEA is required to maintain verifiable and auditable documentation that serves as the basis for its count. More specifically, that documentation must indicate how the LEA determined that each child included in the count became homeless as a result of a natural disaster that occurred in 2008 and demonstrate that each such child was enrolled in the schools of the LEA. An example of such documentation is a district or school record identifying a student as homeless following the occurrence of a declared natural disaster.

In the case of LEAs that form a consortium, the designated LEA submitting an application and receiving funds on behalf of the consortium must maintain documentation that identifies the LEAs in the consortium, and shows the total number of students in kindergarten through grade twelve who became homeless as a result of a 2008 natural disaster for the consortium as a whole and for each member LEA.

Each member LEA must (a) keep records on the total number of students in kindergarten through grade twelve in the LEA who became homeless as a result of a 2008 natural disaster; and (b) maintain verifiable and auditable documentation substantiating that the students included in the total count became homeless as a result of a natural disaster that occurred during 2008.. The documentation must indicate how the member LEA determined that each child included in the count became homeless as a result of a natural disaster that occurred in 2008 and demonstrate that each such child was enrolled in a school of the LEA.

B-8. Does the LEA need to identify as of one specific date the number of enrolled students who were homeless as a result of a natural disaster that occurred in 2008?

No. The count need not reflect the number of enrolled students in kindergarten through grade twelve who were homeless, on one specific date during the school year, as a result of a natural disaster that occurred in 2008. Rather, the count must represent the aggregate, unduplicated number of such students who were homeless at any time during the school year as a result of a natural disaster that occurred in 2008.

B-9. May State educational agencies (SEAs) apply on behalf of their eligible LEAs?

No. Only an eligible LEA may submit an application for funding.

B-10. May non-public schools receive funds under this program?

No. Only an LEA that meets the eligibility requirements may receive funds under the program.

B-11. May public charter schools apply for funding?

Public charter schools that are considered LEAs under State law may apply for funding if they meet the eligibility threshold.

B-12. May Bureau of Indian Education (BIE) schools apply for funding?

BIE schools may apply for funding if they meet the eligibility threshold.

B-13. If a student became homeless more than once as a result of multiple natural disasters that occurred in 2008, may an LEA include that student more than once in its count?

No. An LEA must provide an unduplicated count of enrolled students who became homeless as a result of a natural disaster that occurred during 2008. An individual LEA must include a student only once in the count submitted to ED for establishing eligibility and allocation amounts under this program.

B-14. May two different LEAs include the same homeless student in their counts?

If a student who became homeless as a result of a natural disaster transferred from one LEA to another, both of the LEAs in which the student was enrolled may include that student in their homeless count if both of them enrolled the student during a period in which he or she was homeless as the result of a natural disaster that occurred during 2008.

B-15. May an LEA include data on homeless pre-school children in its count of enrolled students who became homeless as a result of a natural disaster that occurred in 2008?

No. LEAs may submit counts only of students enrolled in kindergarten through grade twelve who became homeless as a result of a natural disaster in 2008. An LEA may not include homeless pre-school students in their counts, even if pre-school is considered part of elementary education in the State. This will ensure consistency in the eligibility and allocation determinations among LEAs in different States.

B-16. Must an LEA be located in a disaster-declared county in order to be eligible for funding?

No. The LEA itself does not have to be located in a disaster-declared county in order to be eligible for funding. However, each LEA that seeks assistance under the program must

meet the minimum homeless student threshold and be able to document those students became homeless as a result of a natural disaster.

Many eligible LEAs may be located in counties in which the Federal Government declared a natural disaster. However, other LEAs that are not located in disaster areas may also have enrolled students who became homeless as a result of disasters that occurred elsewhere.

USES OF FUNDS

C-1. For what purposes may an LEA use funds awarded under the Homeless Education Disaster Assistance program?

An LEA must use the funds to support one or more of the following activities allowable under section 723(d) of the McKinney-Vento Act:

- 1) Supplemental educational services such as tutoring and other academic enrichment programs
- 2) Expedited evaluations for various educational services
- 3) Professional development activities for educators and pupil services personnel working with homeless students
- 4) Health referral services
- 5) Defraying the excess cost of transportation to enable students to attend the school of origin
- 6) Provision of early childhood education programs for pre-school aged homeless children
- 7) Services to retain unaccompanied youths in public school programs
- 8) Before- and after-school, mentoring, and summer programs with educational activities
- 9) Payment of fees and costs associated with tracking, obtaining, and transferring records
- 10) Education and training for parents of homeless children and youth about rights and resources
- 11) Development of coordination between schools and agencies providing services
- 12) Provision of pupil services (including violence prevention counseling) and referrals for such services
- 13) Activities to address needs that may arise from domestic violence
- 14) Adaptation of space and purchase of supplies for non-school facilities to provide services listed above
- 15) Provision of school supplies, including those to be distributed at shelters or other appropriate locations
- 16) Other extraordinary or emergency assistance needed to enable homeless students to attend school.

C-2. May an LEA reserve a portion of its allocation to help defray the costs of administering the program?

Yes. An LEA may charge as an expense to the Homeless Education Disaster Assistance program an amount that is reasonable and necessary to administer the program effectively. Administrative costs must comply with the Office of Management and Budget Circular A-87 (Cost Principles for State, Local and Indian Tribal Governments).

See: <http://www.whitehouse.gov/omb/circulars/a087/a087-all.html>

C-3. For what time period may an LEA use funds awarded under the Homeless Education Disaster Assistance program?

An LEA may use program funds for obligations that occur from January 1, 2008 through September 30, 2010. Thus, the funds may be used for reimbursement of costs previously incurred in 2008 as well as for future obligations through September 30, 2010. All obligations under the Homeless Education Disaster Assistance program must support allowable activities under the McKinney-Vento Act (See C-1 above.). These activities can serve any identified homeless student in the district.

C-4. May LEAs use funds received under this program to provide services to students attending non-public schools?

No. An LEA must use funds under this program consistent with section 723 of the McKinney-Vento Act. Students in non-public schools may not receive services under the McKinney-Vento Act.

C-5. What is the relationship between the Homeless Education Disaster Assistance program and the Education for Homeless Children and Youth (EHCY) program authorized under the McKinney-Vento Act?

The Homeless Education Disaster Assistance program is a separate one-time source of funding for eligible LEAs whose enrollment of homeless students has increased as a result of a natural disaster in 2008. ED will award funds directly to eligible LEAs on the basis of demonstrated need. There are, however, specific linkages between this program and the Education for Homeless Children and Youth program authorized under the McKinney-Vento Act. The Homeless Education Disaster Assistance program uses as its definition of “homeless” the definition in section 725 of the McKinney-Vento Act. Furthermore, funds under the Homeless Disaster Assistance program must be used for activities that are allowable under section 723(d) of the McKinney-Vento Act. In addition, all services under the Homeless Disaster Assistance program must comply with the requirements in sections 723(a)(2) and (3) of the McKinney-Vento Act. (A copy of the relevant provisions of the McKinney-Vento Act is attached to this guidance as Appendix B.)

Every SEA has an Office of Coordinator for Education of Homeless Children and Youth that provides oversight of the EHCY program and technical assistance to LEA homeless education liaisons, and that coordinates with State agencies and programs serving

homeless children and youth. ED encourages LEAs to consult with the State Office of Coordinator for Education of Homeless Children and Youth concerning allowable activities under the McKinney-Vento Act.

PROGRAM ACCOUNTABILITY

D-1. What records must an LEA retain if it receives a grant award?

The LEA must maintain verifiable, auditable records documenting that the homeless student count (i.e., the number of enrolled homeless students in kindergarten through grade twelve who became homeless as a result of a natural disaster that occurred in 2008) in its application is accurate. Furthermore, the LEA must maintain records demonstrating that the funds it receives under the Homeless Education Disaster Assistance program are expended on activities that are allowable under section 723(d) of the McKinney-Vento Act. The records must be of such quality as to facilitate an effective audit.

In the case of a consortium, the designated LEA that submits an application and receives funds from ED on behalf of the member LEAs is legally responsible for the use of all grant funds and ensuring that the member LEAs carry out the program in accordance with Federal requirements. Each member LEA must maintain verifiable and auditable documentation that serves as the basis for the count that the designated LEA provides to ED in the application. More specifically, that documentation must (1) indicate how each member LEA determined that each child included in the count became homeless as a result of a natural disaster that occurred in 2008 and demonstrate that each such child was enrolled in the schools of the member LEA; and (2) demonstrate that the funds it receives under the Homeless Education Disaster Assistance program are expended on activities that are allowable under section 723(d) of the McKinney-Vento Act. These records must be of such quality as to facilitate an effective audit.

D-2. If an LEA receives both a McKinney-Vento EHCY subgrant and funds under the Homeless Education Disaster Assistance program, must it track separately the funds expended under each program?

Yes. However, for planning purposes, the LEA is encouraged to coordinate the uses of funds under the two programs.

D-3. How will ED monitor the activities of LEAs funded under this program?

At the end of the project period, ED will require each funded LEA to submit a performance report that details how the LEA expended its program funds. ED may also conduct selected monitoring to ensure that LEAs are complying with applicable requirements.

D-4. Are SEAs responsible for monitoring LEA activities under the Homeless Education Disaster Assistance program?

No. Because the program is a direct grant program from ED to eligible LEAs, an SEA is not responsible for monitoring the activities of the funded LEAs in its State. However, the Department encourages SEAs to provide technical assistance to LEAs, as practicable, given the expertise that SEAs have developed on the requirements of the McKinney-Vento Act.