

Enclosure 2: Questions M-4 through M-6 of ED's March 2017 EHCY ESSA Guidance

M-4. What types of services may an LEA provide to homeless students with funds reserved under section 1113(c)(3)(A) of the ESEA?

Title I, Part A funds may be used to provide a wide variety of services to homeless students. In addition to providing services to assist homeless students in meeting the State's challenging academic standards, Title I, Part A funds may be used to provide services to homeless children and youths, including those in Title I schools, that may not ordinarily be provided to other Title I students. (ESEA section 1113(c)(3)(C)(ii)). For example, to help homeless students effectively take advantage of educational opportunities, an LEA may use Title I, Part A funds to provide, where appropriate, items or services including, but not limited to—

- Items of clothing, particularly if necessary to meet a school's dress or uniform requirement;
- Clothing and shoes necessary to participate in physical education classes;
- Student fees that are necessary to participate in the general education program;
- Personal school supplies such as backpacks and notebooks;
- Birth certificates necessary to enroll in school;
- Immunizations;
- Food;
- Medical and dental services;
- Eyeglasses and hearing aids;
- Counseling services to address anxiety related to homelessness that is impeding learning;
- Outreach services to students living in shelters, motels, and other temporary residences;
- Extended learning time (before and after school, Saturday classes, summer school) to compensate for lack of quiet time for homework in shelters or other overcrowded living conditions;
- Tutoring services, especially in shelters or other locations where homeless students live;
- Parental involvement specifically oriented to reaching out to parents of homeless students;
- Fees for AP and IB testing;
- Fees for college entrance exams such as SAT or ACT; and
- GED testing for school-age students.

Two principles govern the use of Title I, Part A funds to provide such services to homeless students. First, the services must be reasonable and necessary to assist homeless students to take advantage of educational opportunities. (ESEA section 1113(c)(3)(A); 2 CFR § 200.403(a)). Second, Title I, Part A funds must be used only as a last resort when funds or services are not available from other public or private sources, such as the USDA's National School Lunch Program and Breakfast Program, public health clinics, or local discretionary funds (sometimes provided by the PTA) used to provide similar services for economically disadvantaged students generally. (*See* ESEA section 1115(e)(2)).

M-5. In an LEA with Title I and non-Title I schools, are homeless children and youths who attend non-Title I schools eligible to receive Title I, Part A services?

Yes. Under section 1113(c)(3)(A) of the ESEA, an LEA must reserve sufficient Title I funds to provide services to homeless students who attend non-Title I schools that are comparable to those provided to students in Title I schools.

These services may include providing educationally related support services to children in shelters and other locations where homeless children live. Services should be provided to assist homeless students to effectively take advantage of educational opportunities.

In addition to serving homeless children and youths who attend non-Title I schools, the homeless set-aside may be used by an LEA with Title I and non-Title I schools to provide services to homeless students in Title I schools that are not ordinarily provided to other Title I students. (See question M-4.)

M-5a. Does the ESEA require an LEA to reserve Title I funds under section 1113(c)(3) if all schools in the LEA are Title I schools?

Yes. Regarding applicability of the homeless reservation to an LEA that has all Title I schools, prior to the changes made by the ESSA, the ESEA required that an LEA reserve funds necessary “to provide services comparable to those provided to children in [Title I schools] to serve homeless children and youths who do not attend [Title I] schools, including providing educationally related support services to children in shelters and other locations where children may live.” (Emphasis added.)

The ESSA amendments to this section removed the italicized language. As a result, the statute no longer speaks to using this reservation for homeless students who are not attending Title I schools. Instead, the ESEA now more generally requires an LEA to reserve Title I funds necessary to provide educationally related support services to homeless children and youths regardless of whether they attend a Title I school. In other words, this required reservation applies when all schools in an LEA are Title I schools (including Title I schoolwide schools) and when an LEA has Title I schools and non-Title I schools.

If an LEA has a mixture of Title I and non-Title I schools, an LEA may use this reservation to provide regular Title I services to homeless students attending non-Title I schools, as well as to provide homeless students with services not ordinarily provided to Title I students, regardless of whether the homeless students attend Title I or non-Title I schools (see ESEA section 1113(c)(3)(C)(ii)). Likewise, if an LEA has all Title I schools, it may use this reservation to provide its homeless students with services not ordinarily provided to other Title I students.

M-6. How should an LEA determine the amount of funds to reserve for comparable services under Title I, Part A?

Funds reserved for comparable services under section 1113(c)(3)(A)(i) of the ESEA may be determined based on a needs assessment of homeless children and youths in the LEA, taking into consideration the number of homeless children and youths identified by the LEA and their unique needs. This needs assessment may be the same as the needs assessment conducted by the LEA in applying for local McKinney-Vento subgrant funds. (ESEA section 1113(c)(3)(C)(i)).

M-6a. Does the ESEA require an LEA to reserve a specific amount of Title I funds to serve homeless students under section 1113(c)(3)?

No. The ESEA does not prescribe a specific amount. However, the ESEA requires that the amount be sufficient to provide services to homeless children as described above. Although not required, if only a small number of homeless students are identified in an LEA, an LEA may wish to use a districtwide per pupil amount for homeless students if this approach yields a reservation amount that is sufficient for the LEA to meet these requirements. When a greater number of students are identified as homeless, LEAs may find it helpful to use past years’ enrollment and cost data on expenditures to determine the next year’s reservation.

Additionally, as authorized under ESEA section 1113(c)(3)(C)(i) and described more fully in question M-6, an LEA may use a needs assessment to determine the reservation amount. Finally, as noted above, the homeless reservation may be used to provide homeless children and youths with services not ordinarily provided to other Title I students, including to fund a local liaison’s salary and expenses and to defray the

excess cost of school of origin transportation. LEAs may therefore consider these costs as well when calculating the amount of the Title I homeless reservation.