

Foster Care and McKinney-Vento Student Identification

In 2015, with the authorization of the Every Student Succeeds Act (ESSA), the phrase “awaiting foster care” was removed from the McKinney-Vento Education of Homeless Children and Youth Assistance Act. ESSA includes separate provisions for students in foster care, which are similar to the provisions in McKinney-Vento. Aside from the exceptions noted below, students in foster care do not qualify as McKinney-Vento eligible.

Foster Care	McKinney-Vento
<p>Foster care is defined as 24-hour substitute care for children placed away from their parent or guardians and for whom the Department of Children’s Services (DCS) has placement and care responsibilities.</p> <p>Placements may include:</p> <ul style="list-style-type: none"> • Foster homes • Relative placements • Group homes • Emergency shelters • Residential facilities • Pre-adoptive homes • Trial–return–home placement • Childcare institutions • Assessment homes <p>Resource: Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care.</p>	<p>Students experiencing homelessness are defined by the McKinney-Vento Act as "individuals who lack a fixed, regular, and adequate nighttime residence."</p> <p>This includes children and youth who are:</p> <ul style="list-style-type: none"> • Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason, • Living in motels, hotels, and campgrounds, • Living in emergency or transitional shelters, • Abandoned in hospitals, • Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for a human being, • Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and • Migratory children and youth living in the above circumstances. <p>Resource: Education for Homeless Children and Youths Program Non-Regulatory Guidance.</p>
Exceptional Situations	
<p>There are occasions when a student in foster care may also qualify as experiencing homelessness:</p> <ul style="list-style-type: none"> • Student was identified and served under McKinney Vento prior to placement in foster care, • Student has run away from their foster care placement, • Student is placed in a shelter, or • Student is placed with a family who also meets the definition of homelessness according to McKinney-Vento <p>These students should be dually qualified and coded for foster care and McKinney-Vento.</p>	

Foster Care and McKinney Vento Side-by-Side Comparison

Foster Care	McKinney - Vento
District Liaison and Building Point of Contact	
Each local education agency (LEA) must designate a point of contact and may appoint a point of contact at each school.	Every LEA must designate an appropriate staff person to serve as the local homeless education liaison [42 U.S.C. § 11432 (g)(1)(j)(ii)]. This person may be the coordinator for other federal programs.
School of Origin Rights	
The school of origin is where the student was enrolled when first placed into the care and custody of DCS. When a foster child's placement changes, the school of origin is the school in which the student is enrolled at the time of the placement change.	Students experiencing homelessness are entitled to remain in their school of origin or enroll in the local school where they are currently residing. "School of origin" is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.
Transportation	
The LEA must provide transportation to/from the school of origin, even if outside the LEA's geographical boundaries.	The LEA must provide transportation to/from the school of origin, even if outside of the LEA's geographical boundaries. Transportation arrangements should ensure that a homeless student can participate in the full school day, neither arriving late nor leaving before the school day has ended.
Immediate Enrollment	
Students in foster care must be enrolled immediately, even when documents normally required are not available (e.g. immunization records, transfer grades, updated IEP).	Students experiencing homelessness must be enrolled immediately, even when documents normally required are not available (e.g., immunization records, transcripts, updated IEP).
Best Interest Determinations	
Best Interest Determination (BID) meetings must be held prior to changing the school placement of a student in foster care. Resource: Exemplare Procedures for Students in Foster Care	Students experiencing homelessness have the right to attend either the school of origin or the local school, according to the child or youth's best interest. LEAs must make best interest determinations about school selection that: <ul style="list-style-type: none"> • Presume that staying in the school of origin is in the best interest of the child or youth;

	<ul style="list-style-type: none"> Consider specific student-centered factors (such as transportation, social & emotional state, age, and academics) Prioritize the wishes of the parent, guardian, or unaccompanied youth; and Include a written explanation and notice of the right to appeal if the LEA determines that remaining in the school of origin is not in the best interest of the child or youth. <p>Resource: Best Interest School Selection</p>
Free Meals	
All students in foster care should be coded <i>FOS01-JDirect Cert.</i>	All students experiencing homelessness qualify for free and reduced lunch and should be coded Y and (01-04) for the appropriate primary nighttime residence code and J for direct certification of economic disadvantage.
Title I Services	
Students in foster care are categorically eligible for Title I funding. LEAs may also develop an optional Title I foster care set-aside for transportation.	Students experiencing homelessness are categorically eligible for Title I funding and districts must develop a Title I, Part A homeless set-aside to support the identification, support, and services of homeless students.
Dispute Resolutions	
If there is a dispute regarding BIDs or additional costs for transportation, please refer to p. 7 of the Exemplar Procedures for Students in Foster Care. Resource: Exemplar Procedures for Students in Foster Care	All LEAs are required to have an LEA-level Dispute Resolution Process that aligns with the state education agency's (SEA's) Dispute Resolution Process. Resource: Dispute Resolution Process Sample Form
Fees and Fines	
LEAs may not create a barrier to enrollment if a student in foster care has outstanding fines or fees. The LEA should work with DCS to resolve the outstanding debt(s).	LEAs must waive all fines and fees for students experiencing homelessness. Fines and fees that cannot be waived must be paid for either through the support of Community-Based Organizations (CBOs); Title I, Part A Homeless set-aside, or a McKinney-Vento Subgrant (if the LEA is a subgrantee).

For more information or support, please contact Jackie.Jacobson@tn.gov, Non-Traditional Educational Programs Manager (Foster Care), or Vanessa.Waters@tn.gov, McKinney-Vento Grant Manager.