

**Timeline for Implementation of the Homelessness and Foster Care Provisions in  
the McKinney-Vento Act and Title I Part A,  
as amended by the Every Student Succeeds Act of 2015**

<b>McKinney-Vento Act Timeline</b>	
<b>July 1, 2016 or October 1, 2016</b>	All amendments to the McKinney-Vento Act take effect, except the deletion of “awaiting foster care placement” from the definition of “homeless children and youths.” <sup>1</sup>
<b>December 10, 2016</b>	“Awaiting foster care placement” is deleted from the definition of “homeless children and youths” in every state except Delaware and Nevada. <sup>2</sup>
<b>December 10, 2017</b>	“Awaiting foster care placement” is deleted from the definition of “homeless children and youths” in Delaware and Nevada. <sup>3</sup>

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<sup>1</sup> The Every Student Succeeds Act (ESSA) provides both July 1, 2016 and October 1, 2016 as effective dates for the McKinney-Vento Act. See ESSA, Sections 5(b) and 9107. There is no legal authority for a later effective date, as neither the Consolidated Appropriations Act of 2016 (Pub. L. 114-113) nor the “Orderly Transition” language in ESSA Section 4(b) postpone implementation of amendments to the McKinney-Vento Act beyond these dates. We expect further guidance from the Department of Education (ED) related to the effective date of the McKinney-Vento Act amendments.

<sup>2</sup> ESSA, Section 9105(b)(1). In practice, this change means that as of December 10, 2016, children in any stage of foster care proceedings will not be eligible for McKinney-Vento Act protections for “homeless children and youths” by virtue of their involvement in the child welfare system. As of December 10, 2016, children in the child welfare system will be considered permanently housed for the purposes of the McKinney-Vento Act, unless they meet the other elements of the definition of “homeless.” Children and youth who were identified as “awaiting foster care placement” from the first day of the 2016-17 school year until December 9, 2016, will remain eligible for McKinney-Vento services provided to formerly homeless students who are now permanently housed, for the remainder of the 2016-17 school year.

<sup>3</sup> ESSA, Sections 9105(b)(2), (c).

## Timeline for Implementation of the Homelessness and Foster Care Provisions in the McKinney-Vento Act and Title I Part A, as amended by the Every Student Succeeds Act of 2015

Title I, Part A Timeline	
<p><b>Effective December 10, 2016</b></p> <p><i>(or by the start of the 2017-18 school year).<sup>4</sup></i></p>	<p>LEAs that receive Title I Part A funds must collaborate with child welfare agencies to develop and implement procedures for how transportation to maintain foster youth in their schools of origin, when in their best interest, will be provided, arranged and funded, including using child welfare funding to pay for such transportation, and LEAs providing such transportation if:</p> <ul style="list-style-type: none"> <li>They are reimbursed by the child welfare agency;</li> <li>The LEA agrees to pay the costs; or</li> <li>The LEA and the child welfare agency agree to share the costs.</li> </ul>
<p><b>Effective when states and LEAs begin using FY 2017 funds.<sup>5</sup></b></p> <p><b>No later than the start of the 2017-18 school year.</b></p>	<p><u>All amendments to the requirements for State Title I plans, including the requirements that:</u></p> <ul style="list-style-type: none"> <li>State report cards disaggregate graduation rates and academic achievement of homeless children and youth.</li> <li>State plans describe collaboration with the state child welfare agency to ensure foster youth can remain in their school of origin if in their best interest, or enroll immediately in a new school.</li> <li>SEAs designate a point of contact for child welfare agencies, who may not be the McKinney-Vento State Coordinator.</li> </ul> <p><u>Amendments to the requirements for LEA Title I plans, including the requirements that:</u></p> <ul style="list-style-type: none"> <li>All LEAs that receive Title I Part A funds must reserve funds to support homeless students.</li> <li>The amount of Title I funds reserved for homeless children and youth may be determined based on a needs assessment, and must be based on the total allocation received by the LEA and reserved prior to any allowable expenditure of transfers by the LEA.</li> <li>LEAs that receive Title I Part A funds must designate a point of contact for the local child welfare agency, if the local child welfare agency notifies the LEA, in writing, that it has designated a point of contact for the LEA.</li> </ul>

<sup>4</sup> ESSA specifies this provision takes effect December 10, 2016 (one year from enactment). However, Section 312 of the Consolidated Appropriations Act of 2016 (Pub. L. 114-113) prohibits the use of FY 2016 funds to implement ESSA amendments. At the same time, ESSA gives ED the authority to take steps for an “orderly transition” to the new law in the 2016-2017 school year. We expect further clarification from ED on these issues.

<sup>5</sup> Amendments to Title I, Part A will take effect after the 2016-2017 academic year, pursuant to the Consolidated Appropriations Act of 2016 (Pub. L. 114-113), Sec. 312.