

Summary of Changes to 704 KAR 7:090 – Homeless children and youth education program.

Change	Reason
Title: Revises title. (P. 1, Lines 4-5).	The title is changed to “Homeless children and youth education program and ensuring educational stability of children in foster care” for transparency and to clarify that Section 7 of the regulation implements a foster care liaison in each local education agency (LEA).
RELATES TO: Corrects statutory references. (P. 1, Lines 6-7).	The inclusion of 20 U.S.C. 6311 and 6312 are necessary to provide citations to federal laws that serve as the basis for Section 7 of the regulation, which implements a foster care liaison in each LEA. The reference to the McKinney-Vento Homeless Assistance Act (Act) is changed to 42 U.S.C. 11431 et seq. to properly cite to the entire Act. KRS 156.160, which requires the Kentucky Board of Education (KBE) promulgate this administrative regulation, is added.
STATUTORY AUTHORITY: Reorders statutory references. (P. 1, Line 8).	The statutes that are cited remain the same but are now cited in numerical order.
NECESSITY, FUNCTION AND CONFORMITY: Revisions emphasize consistent terminology throughout the regulation and broaden the applicability of the regulation (P. 1, Lines 9-23 and P. 2, Lines 1-10).	<p>This section has been revised to emphasize consistent terminology throughout the regulation as well as to broaden the applicability of the regulation in order to fulfill the KBE’s obligations under KRS 156.160.</p> <p>Revisions to this section also offer transparency and clarify that Section 7 of the regulation implements a foster care liaison in each LEA.</p>
Section 1: Adds definitions for “foster care” (P. 2, Line 11) and “student attendance day” (P. 4, Line 18) and revises definitions for “free, appropriate public education,” “homeless child, homeless children, and homeless student,” “school or origin,” and “unaccompanied youth” (P. 3, Lines 2-22; P. 4, Lines 1-17 and 19-21).	<p>“Foster care” aligns with existing state law and is added for transparency and to clarify that Section 7 of the regulation implements a foster care liaison in each LEA.</p> <p>“Student attendance day” aligns with existing state law and is added to clarify the timelines in Section 4 of the regulation.</p> <p>Changes to “free, appropriate public education,” “homeless child, homeless children, and homeless student,” “school or origin,” and “unaccompanied youth” are minor and only intended to provide greater clarity.</p>

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<p>Section 2: Amends the title of the section (P. 4, Line 22); requires the homeless child education liaison to “make personal, direct contact” with a homeless child’s prior LEA(s) of attendance (P. 5, Line 13); adds reference to “runaway youth” (P. 6, Line 13); incorporates language to fulfill the KBE’s obligations under KRS 156.160 (P. 7, Lines 1-22; P. 8, Lines 1-23; P. 9, Lines 1-19); deletes language relating to foster care liaisons and moves to Section 7 of the regulation (P. 9, Lines 20-22; P. 10, Lines 1-9); and, makes additional revisions throughout the section emphasize consistent terminology and clear requirements.</p>	<p>The title is changed to “Criteria for Homeless Children and Youth Education Program Implementation” for transparency and clarity.</p> <p>The requirement for the homeless child education liaison to “make personal, direct contact” with a homeless child’s prior LEA(s) of attendance adds specificity to prior language that simply required “contact.” This revision is intended to help ensure that a homeless child’s current LEA and prior LEA(s) of attendance maximize collaboration to ensure a more expedient and seamless transition in the best interest of the homeless child.</p> <p>The requirement that school personnel providing services pursuant to the Act receive professional development and support related to addressing challenges of “runaway youth” was added to align with Kentucky’s Consolidated State Plan under the Every Student Succeeds Act and direction from staff at the United States Department of Education.</p> <p>House Bill (HB) 378 from the 2019 Regular Session of the Kentucky General Assembly amended KRS 156.160 to require the KBE to provide procedures for homeless children to be awarded credit, including partial credit, for satisfactorily completed coursework; have the opportunity, to the extent practicable, to complete before the beginning of the next school year and at no cost any course required for graduation in which they were previously enrolled; and, be awarded a high school diploma as delineated in KRS 156.160(1)(p)(3)-(4). Changes align with HB 378 (2019) and include, for example, a requirement for each LEA to adopt a methodology for calculating credit, including partial credit; lessen the impact of transfers for homeless children by, among other items, granting priority placement in classes that meet state minimum graduation requirements; and, have written procedures clarifying how and what circumstances a homeless child will be able to complete before the beginning of the next school year and at no cost any course required for graduation in which he or she was previously enrolled. LEAs are also encouraged, but not required, to, for example, provide homeless children flexible options for credit accrual, personalized learning environments, and alternative education programs, including credit recovery options.</p>
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	<p>The regulation also requires, in alignment with KRS 156.160(1)(p)(3)-(4), homeless children transferring schools after successful completion of the second year of high school be awarded a high school diploma: (a) At the student’s request, by the local district from which the student transferred if the student meets the graduation requirements of that district but is ineligible to graduate from the local district to which the student transferred; or (b) By the local district to which the student transferred if the student meets the minimum requirements for high school graduation established by the KBE pursuant to KRS 156.160(1)(d) but is ineligible to graduate both from the district to which the student transferred and the district from which the student transferred.</p> <p>Requirements related to foster care liaisons have been moved to Section 7 of the regulation for clarity and to distinguish requirements related to the homeless child education liaison from those related to the foster care liaison.</p> <p>Additional revisions throughout the section emphasize consistent terminology and clear requirements for transparency and readability.</p>
<p>Section 3: Amends the title of the section (P. 10, Line 10); revises language regarding enrollment to apply to all LEAs serving homeless students (P. 10, Lines 11-15); aligns language regarding enrollment, including conducting a best interest analysis, to federal law (P. 10, Lines 16-22; P. 11, Lines 1-23; P. 12, Lines 1-6); clarifies that homeless children should be immediately enrolled and provided educational services (P. 12, Lines 7-16); and, makes additional revisions throughout the section emphasize consistent terminology and clear requirements.</p>	<p>The title is changed to “Residency and Enrollment in the Homeless Children and Youth Education Program” for transparency and clarity.</p> <p>Changes in this section related to enrollment are made so as to better align with the Act, which requires all LEAs serving homeless students to follow enrollment protocols. The Act also requires enrollment be decided based on the best interest of the student as determined using student-centered factors and with preference given to the school of origin or the request of the homeless child or his or her guardian, if the request differs from the school of origin.</p> <p>Language has been added to clarify that a homeless child should be immediately enrolled and provided educational services until such enrollment is determined to be contrary to the child’s best interest.</p> <p>Additional revisions throughout the section emphasize consistent terminology and clear requirements for transparency and readability.</p>

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<p>Section 4: Amends the title of the section (P. 13, Lines 12-13); adds language clarifying that disputes between LEAs are handled by the state homeless education coordinator (P. 13, Lines 13-16); revises language to clarify that the LEA of enrollment leads the dispute resolution procedures (P. 13, Lines 17-23; P. 14, Lines 1-23; P. 15, Lines 1-23; P. 16, Lines 9-11); establishes that the LEA of enrollment shall resolve disputes at the local level within 30 student attendance days (P. 14, Lines 1-3); establishes that the state homeless education coordinator shall resolve disputes at the state level within 20 student attendance days (P. 17, Lines 1-4); and, makes additional revisions throughout the section emphasize consistent terminology and clear requirements.</p>	<p>The title is changed to “Resolution of Disputes Arising in the Homeless Children and Youth Education Program” for transparency and clarity.</p> <p>Language clarifying that disputes between LEAs are handled by the state homeless education coordinator aligns with guidance from the U.S. Department of Education, which states that inter-district enrollment disputes should be resolved at the state level.</p> <p>Clarification that the LEA of enrollment and not residency handles the resolution of disputes is necessary to align with federal law. Replacing reference to the “local district liaison” and similar designations with “the homeless child education liaison in the LEA of enrollment” helps ensure disputes at the local level will be timely initiated and efficiently resolved.</p> <p>The requirement that the LEA of enrollment shall resolve disputes at the local level within 30 student attendance days was added to align with Kentucky’s Consolidated State Plan under the Every Student Succeeds Act and direction from staff at the United States Department of Education.</p> <p>The requirement that the state homeless education coordinator shall resolve disputes at the state level within 20 student attendance days was added to align with Kentucky’s Consolidated State Plan under the Every Student Succeeds Act and direction from staff at the United States Department of Education.</p>
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<p>Section 5: Amends the title of the section (P. 18, Line 1) and makes additional revisions throughout the section emphasize consistent terminology and clear requirements.</p>	<p>The title is changed to “Annual Count for the Homeless Children and Youth Education Program” for transparency and clarity.</p> <p>Additional revisions throughout the section emphasize consistent terminology and clear requirements for transparency and readability.</p>
<p>Section 6: Amends the title of the section (P. 18, Lines 11-12) and makes additional revisions throughout the section emphasize consistent terminology and clear requirements.</p>	<p>The title is changed to “Local Education Agency Grants for the Education of Homeless Children and Unaccompanied Youth” for transparency and clarity.</p> <p>Additional revisions throughout the section emphasize consistent terminology and clear requirements for transparency and readability.</p>
<p>Section 7: Creates a new section titled “Ensuring Educational Stability for Children in Foster Care” and relocates language relating to the foster care liaison from Section 2 (P. 19, Lines 18-23, P. 20, Lines 1-11).</p>	<p>Requirements related to foster care liaisons have been moved to this section from Section 2 of the regulation for clarity and to distinguish requirements related to the homeless child education liaison from those related to the foster care liaison.</p> <p>Language has been added requiring LEAs to develop written procedures on transporting children in foster care to the school of origin in compliance with 20 U.S.C. 6312(c)(5)(B).</p>