

# North Carolina Foster Care Education Program



## Foster Care vs. McKinney-Vento: Key Provisions

In 2015, Congress passed the Every Student Succeeds Act (ESSA), adding new requirements to support the education of students in foster care under Title I, Part A, and also removing the term “*awaiting foster care*” from the McKinney-Vento definition of homeless. Below is a side-by-side comparison of the two distinct federal education programs.

Foster Care	McKinney-Vento
<p><b>Definition</b></p> <p>“Foster care” is 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. Eligible placements include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Foster family homes;</li> <li>• Relative placements (formal kinship care);</li> <li>• Group homes;</li> <li>• Emergency shelters;</li> <li>• Residential facilities;</li> <li>• Childcare institutions;</li> <li>• Pre-adoptive homes;</li> <li>• Trial-return-home placement; and</li> <li>• Unaccompanied refugee minors.</li> </ul>	<p><b>Definition</b></p> <p>Students experiencing homelessness are defined as “individuals who lack a fixed, regular, and adequate nighttime residence.” Eligible living situations for children and youth include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Sharing housing or “doubled up”;</li> <li>• Living in motels, hotels, and campgrounds;</li> <li>• Living in emergency or transitional shelters;</li> <li>• Abandoned in hospitals;</li> <li>• Accommodations not ordinary to be used by human beings;</li> <li>• Living in cars, trains stations and similar settings; and</li> <li>• Migratory children and youth living in any of the above situations.</li> </ul>
<p><b>Designee</b></p> <p>Each LEA must designate a local foster care education point of contact (POC). To the extent possible, a POC for each school is recommended.</p>	<p><b>Designee</b></p> <p>Each LEA must designate a local homeless liaison. To the extent possible, a local homeless liaison for each school is recommended.</p>
<p><b>School of Origin Rights</b></p> <p>The school of origin is the public school a student is enrolled in when they enter foster care. When there is a change in the foster care placement – the school of origin is the school in which the child is enrolled at the time of the placement change.</p>	<p><b>School of Origin Rights</b></p> <p>The school of origin is the public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. Students are entitled to remain in their school of origin or enroll in the local school where they are currently residing.</p>
<p><b>Best Interest Determination</b></p> <p>Best interest determination (BID) meetings must be held prior to changing the school placement of a student in foster care. Student-centered factors must be evaluated; students should be involved in BID meetings to the extent appropriate.</p>	<p><b>Best Interest Determination</b></p> <p>An LEA must educate a homeless child or youth in their school of origin, unless doing so is contrary to the wishes of the parent or guardian. Student-centered factors must be evaluated, and the preferences of the parent, guardian, or unaccompanied youth must be considered.</p>
<p><b>Immediate Enrollment</b></p> <p>Students must be enrolled immediately, even when documents normally required are not available (e.g., immunization records, health plan, transcripts, updated IEP, etc.).</p>	<p><b>Immediate Enrollment</b></p> <p>Students must be enrolled immediately, even when documents normally required are not available (e.g., immunization records, health plan, transcripts, updated IEP, etc.).</p>

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<p><b>Dispute Resolution</b></p> <p>The SEA and State Child Welfare agency must develop a joint dispute resolution policy outlining procedures for resolving disputes at local and state levels. The dispute resolution procedures could identify a specific party or agency as the final decision maker in the BID process – during the resolution, students must remain enrolled in their school of origin while disputes are resolved, and receive transportation, if requested.</p>	<p><b>Dispute Resolution</b></p> <p>LEAs must have a written dispute resolution policy, aligned with the State policy, detailing procedures for resolving disputes at the local level, and the process for appeals at the state level. Students must remain enrolled in the selected school—and receive transportation if requested—while the dispute is pending.</p>
<p><b>Title I</b></p> <p>Students are categorically eligible for funding. LEAs are encouraged to set aside funds to address the needs of students in foster care.</p>	<p><b>Title I</b></p> <p>Students are categorically eligible for funding. LEAs are required to reserve sufficient Title I funds and provide services to students experiencing homelessness.</p>
<p><b>Transportation</b></p> <p>LEAs must provide transportation to and from the school of origin, when necessary, to support school attendance, academic services, and extracurricular activities outside the regular school day—even if the foster placement is outside district boundaries or such transportation is not typically provided to other students. LEAs must also address students’ access to transportation for extracurricular activities in their written transportation procedures.</p>	<p><b>Transportation</b></p> <p>When requested by a parent, guardian, or unaccompanied youth, the LEA must provide or arrange adequate transportation to and from the school selected by the parent or youth—even if outside district boundaries or not typically offered to housed students. Transportation must also be provided when lack of access would prevent participation in extracurricular activities.</p>

Exceptional Situations
<p>There are occasions when a student in foster care may also qualify as experiencing homelessness. When this situation occurs, these students should be dually eligible to receive services for both foster care and McKinney-Vento education programs. These exceptional situations include:</p> <ul style="list-style-type: none"> <li>• Student was identified and served under the McKinney-Vento Act prior to placement in foster care;</li> <li>• Student has run away from their foster care placement;</li> <li>• Student is placed in a shelter; or</li> <li>• Student is placed with a family who also meets the definition of homelessness according to the McKinney-Vento Act.</li> </ul>