



Kentucky Department of

**E D U C A T I O N**

The Kentucky Department of Education (KDE) or state education agency (SEA) offers these recommendations to districts that are interested in partnering in a consortium to serve homeless students living in their communities. The purpose of this document is to:

- Outline pertinent details of the American Rescue Plan Homeless Children and Youth phase two (ARP-HCY II) formula grant funding;
- Outline the rights of homeless children and youth under the McKinney-Vento Act;
- Define consortiums in the context of the ARP HCY II funding for the homeless education program;
- Explain the reasons why districts might wish to form a consortium;
- Clarify the responsibilities of a consortium;
- Provide best practices and expectations to help member districts work together effectively to identify and serve students; and
- Answer frequently asked questions about consortiums.

### American Rescue Plan Homeless Children and Youth II Funding

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) into law. In recognition of the extraordinary impacts of the COVID-19 pandemic on students experiencing homelessness, the ARP included an unprecedented \$800 million to support the specific needs of homeless children and youth via the American Rescue Plan Elementary and Secondary School Emergency Relief – Homeless Children and Youth (ARP-HCY) Fund (separate from ARP ESSER funds).

SEAs and local educational agencies (LEAs) must use ARP-HCY funds to identify homeless children and youth, to provide homeless children and youth with wraparound services to address the challenges of COVID-19, and to enable homeless children and youth to attend school and fully participate in school activities. The U.S. Department of Education (USED) released ARP-HCY funds in two separate disbursements—ARP-Homeless I and ARP-Homeless II. Kentucky received \$9,867,723 ARP-Homeless II funds and must distribute at least 75% of the total award to LEAs.

ARP-Homeless II funds will be available for districts to spend and obligate through **Sept. 30, 2024**.

### Rights of Homeless Children and Youth

The McKinney-Vento Act requires that:

- Homeless students who move have the right to remain in their schools of origin (i.e., the school the student attended when permanently housed or in which the student was last enrolled, which includes preschools) if that is in the student's best interest;
- If it is in the student's best interest to change schools, homeless students must be immediately enrolled in a new school, even if they do not have the records normally required for enrollment;
- Transportation must be provided to or from a student's school of origin, at the request of a parent, guardian or, in the case of an unaccompanied youth, the local liaison;
- Homeless students must have access to all programs and services for which they are eligible, including special education services, preschool, school nutrition programs, language assistance for English learners, career and technical education, gifted and talented programs, magnet schools, charter schools, summer learning, online learning, and before-and after-school care;
- Unaccompanied youths must be accorded specific protections, including immediate enrollment in school without proof of guardianship; and
- Parents, guardians and unaccompanied youths have the right to dispute an eligibility, school selection or enrollment decision.

These rights are in effect regardless whether or not a district receives a McKinney-Vento subgrant or ARP-HCY funds.

### Definition of a Consortium

A school district (LEA) must receive an allocation of at least \$5,000 to receive ARP HCYII funds. A district that does not meet this threshold has two options. First, the district could forfeit the amount of funding that is generated. The district must still provide a free, appropriate public education to all students and ensure rights under the McKinney-Vento Act are met.

Forming a consortium is a second option that districts may consider if the \$5,000 threshold is not met. A consortium is a partnership between two or more districts that want to combine resources to better serve the educational needs of homeless students that live within their boundaries. Districts that form a consortium pool their funds with one or more other school districts. The total pooled funding contributed by all the member districts must be at least \$5,000. All homeless program requirements must be met for all member districts in the consortium. The KDE homeless education program state coordinator and staff from the Division of School and Program Improvement are available to provide technical assistance and support to consortiums and districts with standalone programs.

### The Fiscal Agent

First, as mentioned earlier, the consortium must generate a minimum of \$5,000 in total funding among all the member districts. Also, one of the districts participating in the consortium must agree to serve as the fiscal agent. The fiscal agent is responsible for the consortium's operation and for meeting measurable performance goals. The fiscal agent also will be the sole district accountable for the budget and will be authorized to pay invoices, salaries and hire staff. Any consortium staff hired by the fiscal agent to implement the ARP-HCY II program must serve the

entire consortium equitably, and not just focus efforts in one or some of the participating LEAs. The staff must ensure a balance of resources, services, and supports throughout the consortium.

Any of the member districts in the consortium can serve as the fiscal agent. Typically, the district that generated the most funds opts to be the fiscal agent, but this does not always have to be the case if the districts choose to have another partner district support the funds. The fiscal agent must be willing to carry out some additional responsibilities on behalf of all the participating districts. The fiscal agent must:

- Manage a single budget for all combined ARP-HCY II funds. The fiscal agent is responsible for keeping track of the entire award notification in MUNIS. There should not be multiple separate budgets based with the other member LEAs;
- Develop budgetary, hiring and service production processes under a single administrative coordinator for the consortium;
- Ensure that all eligible homeless students receive appropriate services through the equitable distribution of homeless program resources; and
- Ensure that the consortium staff has access to appropriate professional development.

KDE recommends that the fiscal agent hire any additional staff for the consortium. Additional consortium staff could consist of tutors and support staff, for example.

Each district in Kentucky must designate a homeless liaison as described in [704 KAR 7:090](#). The fiscal agent also must designate a person to administer the ARP-HCY II activities for the consortium. This person could be the district homeless liaison or another person who would serve as a program coordinator and would be responsible for monitoring the progress of the homeless education program, providing oversight to the staff in the consortium and reporting progress to program staff and district/school administrators. The responsibilities of this program coordinator also include effective, ongoing communication with the district homeless liaison, financial director and superintendent of the fiscal agent district.

## Responsibilities of Consortiums

Although the fiscal agent has some additional responsibilities, the consortium as a whole is responsible for implementing the McKinney-Vento homeless education program in its member districts. The purpose of the McKinney-Vento Homeless Assistance Act is to ensure that all homeless children and youth have equal access to the same free, appropriate public education, including public preschool education, provided to other children and youth. The primary focus of this program is to facilitate the enrollment, attendance and success in school of homeless children and youth (“McKinney-Vento Homeless Assistance Act,” Subtitle VII-B Reauthorized Dec. 10, 2015 by Title IX, Part A of the Every Student Succeeds Act (Effective Oct. 1, 2016), Section 721 [[42 U.S.C. 11431](#)], Section 722 [[42 U.S.C. 11432](#)]. Section 723 [[42 U.S.C. 11433](#)], Section 724 [[42 U.S.C. 11434](#)]).

The (ARP HCY funds are for the purposes of identifying homeless children and youth, providing wraparound services in light of the impact of the COVID-19 pandemic, and providing assistance needed to enable homeless children and youth to attend school and participate fully in school activities, including in-person instruction and summer learning and enrichment programs. As stated previously, districts must provide a free, appropriate public education to all students and

ensure rights under the McKinney-Vento Act are met, regardless of whether they receive a McKinney-Vento grant. ARP-HCY funds provide additional supplementary support for these initiatives due to the COVID-19 pandemic.

ARP-HCY funds can be used to support the following activities in districts and consortiums. Activities could include, but are not limited to:

- The identification of all eligible homeless children and youth;
- Providing supplemental services to homeless children who have been identified within the member districts;
- Assisting homeless students by reducing the barriers created by homelessness;
- Ensuring that all homeless children and youth have equal access to the same free, appropriate public education, including public preschool education, provided to other children and youth;
- Facilitating the enrollment, attendance and success in school of homeless children and youth;
- Providing professional development for homeless program and LEA staff;
- Offering summer programming and collaboration with community-based organizations (CBO);
- Providing information and training for parents, guardians, grandparents and unaccompanied homeless youth; and
- Monitoring student progress and program effectiveness.

### Required and Recommended Activities

Districts with standalone programs and consortiums are responsible for implementing some required activities, and KDE recommends some additional activities for effective implementation. Developing a memorandum of understanding (MOU) is a specific recommendation for consortiums and would not apply to standalone districts. Consortiums are responsible for the following activities:

Memorandum of Understanding (MOU), Application and Budget Districts that want to form a consortium are strongly encouraged to complete a MOU to outline the responsibilities of the constituent districts. This document remains between the participating districts and is not required to be reviewed by KDE. However, it may be a valuable document to share if the consortium is selected for monitoring.

1. Member LEAs should meet to develop a MOU. During this meeting, districts will determine how the deliverables will be met and identify the person(s) responsible for completing them. This meeting should occur after the tentative allocations have been released to districts so member districts can use the tentative budget to begin planning the homeless program activities and services for life of the funding. Participating districts should have their board attorneys review the MOU.
2. The fiscal agent should complete the ARP-HCY II homeless application and budget with input and collaboration with all member LEAs. Participation from all districts should occur to ensure that the consortium is providing assistance needed to enable homeless

children and youth to attend school and participate fully in school activities, including in-person instruction and summer learning and enrichment programs. The fiscal agent will submit the completed application and budget in the Grants Management Application and Planning System (GMAP). All districts must complete a brief Intent to Participate. Any standalone district or consortium district who is accepting funds must also complete the Program Details and Assurances pages in GMAP. The fiscal agent would then complete and submit the full application, including the budget, on behalf of the consortium.

3. Once KDE approves the application, the consortium is responsible for carrying out the activities in the approved application.

### Meeting Requirements under the McKinney-Vento Act

Whether a district or consortium is a McKinney-Vento subgrantee or receives funds under the ARP-HCY or not, all districts must meet the requirements under the McKinney-Vento Act and Kentucky's regulation [704 KAR 7:090](#).

### Monitoring

One of the responsibilities of the SEA under the federal Code of Regulations (CFR) [2 CFR § 200.332\(d\)](#) is to monitor district program implementation. KDE staff will conduct a risk assessment (as required under [2 CFR § 200.332\(b\)](#)) of all standalone districts and consortiums that receive ARP-HCY II funds. Those districts and consortiums with the highest scores on the risk assessment will be selected for monitoring and will receive a notification by email. If KDE monitors a consortium, it will issue a report which will include, as applicable, strengths, recommendations for improvement and findings for areas of noncompliance. Any and all findings must be satisfied in a timeframe that will be specified in the report (the same process as for standalone districts). The monitoring form which lists the specific ARP-HCY indicators KDE will be monitoring will be shared with districts before the monitoring. To prepare for any potential monitoring, the fiscal agent should keep documentation on identified needs, program finances and financial processes, the effectiveness of the strategies being used, and requirements that cut across federal programs, such as time and effort documentation for any additional staff hired by the consortium.

### Best Practices for Consortiums

- Good communication among the member districts and with the district serving as the fiscal agent is critical. The fiscal agent should schedule regular meetings with member districts to discuss any emerging needs, effectiveness of strategies, finances, progress toward program goals will help ensure funds are used to meet program objectives and the needs of students and families experiencing homelessness. Engaging all member districts in the decision-making process will help the consortium make the best decisions.
- Ensure the member districts designated homeless liaisons are part of regular meetings about ARP-HCY funds. The liaisons work directly with students and families experiencing homelessness and should be key collaborators on ARP-HCY projects and use of funds.

- Ensure that all districts in the consortium are engaged in the hiring process for any additional staff brought on board using ARP-HCY funds that will be working in the member districts. This can help ensure all member districts have a voice in the process and will help them connect and begin to build relationships with the new staff.
- Having an MOU in place as discussed earlier in this document can help ensure all districts in the consortium understand their roles and can help hold all members accountable for meeting deliverables.

## Technical Assistance and Support for Consortiums

Throughout the decision-making process of forming a consortium or perfecting one already in existence, support is provided through the KDE. To prepare staff in your consortium to use your ARP-Homeless II funds most effectively, take advantage of the free online professional development mini-courses KDE is offering. Courses take approximately 30 minutes to complete and are designed to heighten awareness and build capacity to respond to specific needs in the education of homeless children and youths. Specific courses are available for school and district positions such as administrators, staff who work with food service, enrollment, transportation and teachers. To see a complete list of the essential courses, go to [McKinney-Vento.org](https://McKinney-Vento.org) and click “Individual Staff Courses.” If you have questions or would like to provide the courses to staff in your district, email [Brigette Stacy](mailto:Brigette.Stacy@kde.org).

## Frequently Asked Questions

Q: Is there a limit to the number of districts that can join a consortium?

A: No, there is no limit to the number of districts that can join a consortium.

Q: Can we form a consortium with another district even if our district receives an allocation of over \$5,000?

A: Yes.

Q: Do all districts in the consortium have to contribute all the homeless funds their students generate to the pool? For example, if a district generated \$4,000 in funding, would they have to contribute the entire \$4,000 to the consortium, or could they contribute less?

A: When a district opts to form a consortium with another district(s), they choose to commit their entire homeless allocation to work together to serve all the homeless students. The district with \$4,000 would need to contribute the whole amount to the fiscal agent in order to have one sound budget, application and, ultimately, unified program.

Q: If the consortium creates an MOU among all participating districts, does the consortium have to submit the MOU for approval to KDE or just keep it on file?

A: It is up to the districts to decide how to run their programs as a consortium. The MOU is highly recommended, so items are clearly understood and written out. The MOU provides details

as to who does what and when. It is not required to be reviewed by KDE; however, districts should have their board attorneys review the consortium MOU.

Q: Does the same district have to serve as the fiscal agent for the consortium every year, or could they take turns?

A: It is recommended that the same district serve as the fiscal agent each year through the grant award period since tracking funds may become difficult if the fiscal agent changes frequently.

Q: Can my district form a consortium with any other district in Kentucky, or do we have to stay within our geographical area?

A: Typically, consortium districts are within the same geographical area, so extra funds do not have to be used for travel, meetings, etc. The consortiums work very closely together and ideally should be in proximity to each other. It could be challenging to work together to form a consortium with another district elsewhere in the state and, for that reason, it is recommended that the participating districts be located contiguous to one another. However, this is not required.

Q: What are the responsibilities of the other member districts in the consortium? It seems like the fiscal agent bears a lot of responsibility.

A: The other member districts are expected to cooperate with the fiscal agent, including the staff hired to implement the program, to help ensure program goals are achieved. For example, the member districts should ensure teachers and other staff work with and communicate with their homeless coordinator about student progress as appropriate. They also must work together to ensure that parents are informed, and feedback is received from parents from each participating district.