

March 7, 2016

Testimony of Patricia Julianelle, Director of State Projects and Legal Affairs, the National Association for the Education of Homeless Children and Youth

**Raised House Bill No. 5553
An Act Concerning Elementary and Secondary Education Issues**

This testimony is submitted on behalf of NAEHCY, the only national organization dedicated to educational excellence for children and youth experiencing homelessness. NAEHCY has 25 years of expertise and experience supporting homeless students. Our members include state departments of education and local school districts across the country, including in Connecticut. We assist states and school districts to implement the McKinney-Vento Act, which is the federal legislation establishing the rights of homeless students.

I write today to urge you to amend Bill No. 5553, An Act Concerning Elementary and Secondary Education Issues, to include language that would remove the barriers that homeless students are facing in Connecticut. NAEHCY has found that state legislation can improve implementation of homeless students' rights, and we believe now is the time for such legislation in Connecticut. The McKinney-Vento Act was reauthorized in December as part of the Every Student Succeeds Act (ESSA). ESSA's extensive amendments to the Act include many changes and additions to the state plan for homeless students, which will require the State Department of Education to revisit its internal mechanisms to address the needs of these students. ESSA also requires the State Department of Education to engage in monitoring, professional development and other activities directly with school districts, as well as placing additional responsibilities on local educational agencies. Unlike most of ESSA, the amendments to the McKinney-Vento Act go into effect for the upcoming school year.

To implement ESSA's basic requirements effectively, the State Department of Education must take quick and strong action. Unfortunately, the U.S. Department of Education's last two monitoring visits to Connecticut resulted in findings and recommendations related to compliance with the McKinney-Vento Act, with the most recent monitoring taking place just a few months ago. Based on these demonstrated, on-going shortcomings in implementing the federal law, legislative oversight of the state plan and its implementation is essential. Compliance with federal law and vindication of the rights of homeless students will be greatly strengthened by amending Bill No. 5553 to include:

- Language to ensure the State Department of Education has a plan to address the needs of these students, specifically including training on identification, rights and services; and

- Language giving both the Legislature and the State Board of Education opportunities to review this plan and to monitor the State’s progress in identifying and serving these students.

In addition to legislation to assist Connecticut in protecting the rights of all homeless students, we urge the legislature specifically to support students who are experiencing homelessness without their parents or guardians. NAEHCY is deeply concerned with how homelessness affects teenagers, particularly those who experience homelessness while not in the physical custody of a parent or guardian. Most of these unaccompanied homeless youth are fleeing family dysfunction, parental drug abuse, rejection due to sexual orientation or pregnancy, abuse and neglect. Despite the fact that they are effectively on their own, these youth have no legal right to access their own educational records and cannot consent for their school to disclose their records to attorneys, mentors, tutors, health care providers, or other agencies or individuals that may seek to help them. This creates a barrier to youth advocating for themselves and receiving community services that could keep them safe and end their homelessness.

Federal guidance on the Family Educational Rights and Privacy Act (FERPA) allows schools to “use their judgment” in providing unaccompanied youth access to their records. This guidance leaves schools uncertain as to their potential liability or in what circumstances it would be appropriate to allow youth to access their records. A state law clarifying unaccompanied youths’ rights to access their own records would assist schools and young people. NAEHCY sponsored a law establishing unaccompanied youths’ rights to access their educational records in California in 2013. Schools have not encountered any additional expenses or difficulties in implementing that law, yet it has empowered youth to receive community-based services that help end their homelessness.

NAEHCY’s mission is built upon the belief that access to education provides youth with a pathway out of homelessness. We urge you to clear that path for Connecticut’s homeless students by amending Bill No. 5553.

Respectfully,



Patricia Julianelle
Director of State Projects and Legal Affairs