



Nevada Department of Education Bill Draft Request for the Legislative Committee on Education

A Topic for Consideration Regarding Proposed Legislation to Support Homeless and Foster Students

The Problem: Students experiencing homelessness and those in foster care face extreme challenges in completing high school. They frequently go hungry, suffer chronic and acute illnesses, and are subjected to constant stress.ⁱ They also have high levels of school mobility. For example, over a third of youth in foster care change schools more than five times.ⁱⁱ

The challenges of homelessness and foster care lead to disproportionately low rates of academic achievement and high school graduation among these students.ⁱⁱⁱ Data show that students who experience homelessness even once in high school have higher dropout rates than other economically disadvantaged students. In fact, a young person who experiences homelessness is 87% more likely to stop going to school.^{iv} Only half of foster youth complete high school by age 18.^v

In Nevada, the rate of student homelessness increased 40% in two years, topping 20,000 students in the 2015-16 school year.^{vi} Over 4,000 children are in foster care.^{vii} The costs of failing to complete high school are very high, both for these students and for the state. High school dropouts are nearly three times more likely to be unemployed than college graduates.^{viii} Increasing Nevada's graduation rate to 90% would generate \$48.4 million in spending, \$110 million in home sales, \$470,000 in state and local tax revenue, and \$80.6 million savings on health care.^{ix} In addition, when homeless youth do not complete high school, they are 4.5 times more likely to remain homeless.^x This leads to on-going, significant economic costs for the state.

The federal McKinney-Vento Act, as amended by the Every Student Succeeds Act, seeks to boost graduation rates for homeless students (and requires states to disaggregate those rates) by requiring states to identify and remove barriers that prevent homeless students from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school. 42 USC 11432(g)(1)(F)(ii). Currently, Nevada does not have such procedures in place.^{xi} In a recent case, a young high schooler (Student in Transition) enrolled in a Nevada High School at the end of September. It wasn't until the semester ended in December that the student was informed that they would receive no credit for any classes because they did not meet the 120 hours of instruction per NAC 389.040. About one year later, the student relocated to Washington State, and their State McKinney-Vento Coordinator, requested transcripts and noticed that the student had attended school, but enrolled late and received no credit. This situation has caused this student to delay graduation and puts this child even more at risk of not completing high school.



The Solution: Legislation to increase school districts' flexibility in awarding credits and diplomas, while abiding by state standards, will increase high school graduation rates for students experiencing homelessness and those in foster care.

Proposed Bill Language: Add a new section to Nevada statutes, as detailed below.

NRS 389.019 Award of partial credits and exceptions to minimum units of credit required in high school for homeless pupils and pupils in foster care.

1. The following definitions apply to this section:
 - (a) "Homeless pupil" has the meaning ascribed to homeless child or youth as defined in 42 U.S.C. §11434a.
 - (b) "Unaccompanied pupil" has the meaning ascribed to unaccompanied youth as defined in 42 U.S.C. §11434a.
 - (c) "Foster care" has the meaning ascribed to it in 45 C.F.R. §1355.20.
 - (d) "Local education agency" includes, without limitation, the board of trustees of a school district and the sponsor of a charter school.
2. Local education agencies shall develop and implement procedures to award homeless pupils and pupils in foster care with full or partial credit for work satisfactorily completed regardless of the time, place or pace at which the pupil progresses or the number of clock hours of classroom instruction the pupil has attended. Such full or partial credits may be calculated in any of the following ways:
 - (a) Demonstrated competency;
 - (b) Credit by exam;
 - (c) Successful completion of a program of independent study, in whole or in part;
 - (d) Full or partial credit transferred from an accredited public or private school located in or out of this state;
 - (e) Full or partial credit transferred from a summer school conducted by an accredited public or private school or an accredited institution of higher learning;
 - (f) Correspondence or distance education courses provided by a secondary educational institution which is nationally accredited or which is included in the state-approved list of Distance Education providers;
 - (g) Apprenticeship programs;
 - (h) Accredited career schools;
 - (i) Work experience;
 - (j) Community service; and
 - (k) Any other method developed by the local education agency and approved by the Department.



3. Local education agencies shall ensure that homeless pupils and pupils in foster care who are not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine have their academic plan developed pursuant to NRS 388.205 reviewed and adjusted to maximize credit accrual and progress toward graduation.
4. An 11th or 12th grade homeless pupil or pupil in foster care who transfers to a different local education agency shall be awarded any high school diploma for which the pupil is eligible, including a standard high school diploma, an adjusted diploma, or an alternative diploma, as applicable, regardless of whether the pupil meets any additional requirements imposed by the new local education agency.
5. If an 11th or 12th grade homeless pupil or pupil in foster care transfers to a different local education agency and is not able to receive a high school diploma before the fifth school year following the student's first enrollment in grade nine, the local education agency of enrollment, the pupil, and the pupil's parent or legal guardian (or, in the case of an unaccompanied youth, the pupil alone), shall mutually agree to a modified course of study for the pupil that satisfies the requirements for a standard high school diploma, an adjusted diploma, an alternative diploma, or an adult standard diploma, as quickly as possible.

Agency Notes

1. Are there are previous bills related to this concept? Please list session number/year and bill number.
AB 110 (2017). However, this legislation has not addressed the problem presented.
2. Are there any federal or attorney opinions on this concept?

The federal McKinney-Vento Act, as amended by the Every Student Succeeds Act, requires that states have procedures to identify and remove barriers that prevent homeless students from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school. 42 USC 11432(g)(1)(F)(ii). Currently, Nevada does not have such procedures in place. In fact, the "seat-time" requirement in Nevada's Administrative Code §389.040 has created an insurmountable barrier for many homeless students from receiving appropriate partial credit, resulting in them not graduating high school on time, or dropping out.

3. Are there any codes from other states relevant to this concept?

Yes. See, e.g., Texas [SB 1494](#), New Mexico [HB 301](#), Oregon [HB 3267](#), Washington [SB 5241](#), California [AB 1806](#).



4. Which NRS/NAC codes could this concept affect?

NRS 389.018

NAC §389.040

5. Is there any support for this BDR outside of your agency?

Public and private organizations providing services to children and youth experiencing homelessness and those in foster care would support this BDR strongly.

6. Is there any opposition for this BDR outside of your agency?

None known or expected at this time.

ⁱ Toro, P., Dworsky, A. and Fowler, P. (2007). "Homeless Youth in the United States: Recent Research Findings and Intervention Approaches." *Toward Understanding Homelessness: The 2007 National Symposium on Homelessness Research*. Washington, DC: U.S. Dept. of Health and Human Services.
Levin, Rebekah, Bax, Elizabeth, McKean, Lise and Schoggen, Louise (2005). *Wherever I Can Lay My Head. Homeless Youth on Homelessness*. Center for Impact Research. National Center on Family Homelessness (1999). *Homeless Children: America's New Outcasts*. Newton, MA: Author.

ⁱⁱ Legal Center on Foster Care and Education (2014). *Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care*.

http://www.fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?EntryId=1279&Command=Core_Download&method=inline&PortalId=0&TabId=124

ⁱⁱⁱ Legal Center on Foster Care and Education (2014).

^{iv} America's Promise Alliance, Center for Promise at Tufts University (2014). *Don't Call Them Dropouts*. <http://gradnation.org/report/dont-call-them-dropouts>

^v Legal Center on Foster Care and Education (2014).

^{vi} <http://profiles.nche.seiservices.com/StateProfile.aspx?StateID=39>

^{vii} <https://www.adoptuskids.org/adoption-and-foster-care/how-to-adopt-and-foster/state-information/nevada>.

^{viii} U.S. Bureau of Labor Statistics (2014). <http://www.bls.gov/news.release/empsit.t04.htm>.

^{ix} Alliance for Excellent Education (2015). *The Graduation Effect*. <http://impact.all4ed.org/>.

^x Chapin Hall (2017). *Missed Opportunities*.

^{xi} In fact, Nevada's Administrative Code §389.040 has created a barrier for homeless students from receiving appropriate partial credit, resulting in them not graduating high school on time, or dropping out.