



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

MEMORANDUM

DATE: NOV 21 2008

TO: Bridget C. Dooling
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Kathy Axt
Regulatory Information Management Services
U.S. Department of Education

FROM: Kerri L. Briggs, Ph.D.
Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education

SUBJECT: Emergency Clearance of Homeless Education Disaster Assistance Application

The U.S. Department of Education's (ED) Office of Elementary and Secondary Education (OESE) has developed an application for a new one-year program, the Homeless Education Disaster Assistance program (HEDA). HEDA was established in the "Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009," which the President signed into law on September 30, 2008 (Public Law 110-329) and which stipulates that ED should award HEDA funds to LEAs within 120 days.¹ HEDA's purpose is to provide \$15,000,000 in financial assistance directly from ED to local educational agencies (LEAs) that had an increase in children and youth made homeless by natural disasters² in calendar year 2008 to partially compensate them for serving the educational and related needs of all homeless students in their district consistent with section 723 (d) of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act).

I am requesting that the Office of Management and Budget (OMB) clear the application on an emergency basis. Many LEAs around the nation have experienced an increase in the number of homeless students due to natural disasters in 2008 and consequently need additional resources to meet their obligations to educate homeless students. Therefore, it is extremely important that

¹ The law may be accessed at: <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:h.r.02638>.

² For purposes of this program, a natural disaster is one for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974. Those disasters are listed on the web site of the Federal Emergency Management Agency (FEMA) at <http://www.fema.gov/news/disasters.fema?year=2008>.

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LEAs, particularly those most affected, have access to these funds as soon as possible. Receiving OMB's approval on an emergency basis is essential to awarding HEDA funds quickly.

Emergency approval is also needed because, as noted above, the HEDA program was not created until the end of September 2008. As a result, ED did not know until several weeks ago that there would be funds available for this purpose. Consequently, ED could not begin developing an application package until October 2008. During October my staff from OESE's Student Achievement and School Accountability programs (SASA) office has worked with ED's Budget Service and the Office of General Counsel to develop an application that meets the intent and purposes of HEDA. Furthermore, using the regular clearance process would put ED well past the 120-day mark for awarding the HEDA funds that is specified in the Act, which would clearly go against Congress's intent. In sum, not approving this emergency request would cause harm to many LEAs and the homeless students they serve and would delay ED's ability to award the funds in a timely manner.

HEDA appears to be a one-time program. Therefore, we expect that the emergency clearance of the application will be needed only for this year.

ED plans to award grants to applicants (LEAs and consortia of LEAs) based on verifiable counts of increases in homeless student enrollment in kindergarten through grade twelve directly tied to natural disasters in calendar year 2008. Applicants will provide the counts of homeless students in a single application and must provide an assurance that they have auditable records for the counts. After ED reviews the applications for eligibility it will award the \$15,000,000 on a per-pupil formula basis. If we are able to obtain emergency approval from OMB, ED intends to publish the Federal Register notice on or about January 5, 2009 with an application deadline of February 4, 2009.

ED is requesting approval by 12/22/2008.

Thank you for your prompt consideration of my request. If you have questions, please contact John McLaughlin of OESE/SASA at (202) 401-0962, or at John.McLaughlin@ed.gov.

SASA/11/18/08 HEDA Memo Emergency Clearance TS

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