

July 11, 2023

The Honorable Miguel Cardona
Secretary of Education
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary Cardona:

Over the last half century, educators, researchers, policymakers, and advocates have focused substantial efforts on improving education for students with unique needs and who have historically been underserved in public schools. For many students—those experiencing homelessness, English learners, and students with disabilities, among others—the COVID-19 pandemic widened long-standing inequities and opportunity gaps.

As organizations whose work focuses on improving equity for historically underserved students, we understand the importance of federal funding, programs, and legal guidance developed specifically to help these students succeed. These programs—authorized through legislation such as the *McKinney-Vento Homeless Assistance Act*, the *Individuals with Disabilities Education Act (IDEA)*, and Title III of the *Elementary and Secondary Education Act*—provide essential services to help address the needs of particular students.

While there is significant overlap among the students these programs were intended to support, the federal programs themselves don't often interact. Programs like IDEA or McKinney-Vento are typically overseen by administrators closely familiar with the regulations that come with federal and state funding for that particular program and with specific training and experience in the subfield of pedagogy associated with students' needs as they pertain to homelessness, disability, or learning English. Too often, these specialists do not have the opportunity or the capacity to consider how multiple services intersect—potentially overlapping or conflicting in unhelpful ways—or for how services can and should be tailored for students with multiple needs.

And yet, there is considerable overlap among students served by these federal programs:

- Of the 1.1 million students experiencing homelessness in 2020-21, 20% (about 221,000) were children with disabilities and 18% (about 194,000) were English Learners¹
- Nearly 800,000 students, or about 12% of students with disabilities, are also English Learners²

A student who is an English Learner and who also has a disability may miss out on critical special education services if language and cultural barriers are not addressed. Students with disabilities and English Learners who experience homelessness may face barriers enrolling in and attending school if their school is unaware that they are homeless and does not have robust policies and programs in place. More broadly, education leaders—superintendents and chief state school officers—may overlook students' intersecting needs as they confront pandemic recovery challenges such as declining enrollment, chronic absence, and the youth mental health crisis.

We know that there are leaders across the country who have recognized the types of challenges we

¹ <https://nche.ed.gov/wp-content/uploads/2022/11/Student-Homelessness-in-America-2022.pdf>

² <https://sites.ed.gov/idea/osep-fast-facts-students-with-disabilities-english-learners>

describe and invested resources in meaningful ways. For example, Shakopee Public Schools in Minnesota used Title I funds during the 2021-2022 school year to provide contracted bilingual mental health services. In Spotsylvania, Virginia, the school system recently hired a transition specialist to help children and youth experiencing homelessness who have special educational needs. The New York Department of Education allocated \$7 million in American Rescue Plan – Homeless Children and Youth funds to districts specifically for students experiencing homelessness who are asylum seekers, immigrants, or migrants.

While ensuring better coordination among federal programs has been a long-standing challenge, we believe that there are steps that the federal government as well as state and local education agencies (SEAs and LEAs) can take to ensure students with multiple exceptionalities and needs can benefit from the resources and programs available to them. Below, we list steps the Department of Education can take to improve guidance and resources for students with intersecting needs. To support state and local education agencies, we also recommend the Department issue a Dear Colleague Letter on this topic, for which we provide some suggestions on areas to cover.

Steps for the U.S. Department to Support Students with Intersectional Needs:

1. Ensure that federal monitoring of state and local educational agencies include evaluation of their capacity to foster inter-departmental cooperation, the ability of agency staff to generate cross-tabulated student data, and that guidance issued by SEAs and LEAs on the implementation of federal programs includes detailed recommendations for tailoring services to the needs of students who qualify for multiple services.
2. Include intersectionality as a priority in research and development projects funded by the Department. Policy and practice recommendations derived from federal and other research should be regularly disseminated and incorporated into professional development and technical assistance opportunities (such as Department webinars).
3. Enhance the ability for the public to access cross-tabulated data through ED Data Express and other data dissemination mechanisms.
4. Create opportunities for interaction among the Department's technical assistance centers in their respective scopes of work, including specific shared deliverables.

Recommendations for a Dear Colleague Letter to SEAs and LEAs:

1. Provide recommendations on funding, including:
 - a. Using American Rescue Plan Act resources to meet multiple and diverse needs of students
 - b. Best practices in braiding and blending funds that each come with their own eligibility and spending rules
 - c. Using federal funds for activities enhancing coordination across federal programs
 - d. Tailoring services for eligible children, for example, using Title I funds to enhance language instruction education programs
 - e. Targeting state technical assistance resources to help LEAs better coordinate their services
2. Suggest ways that SEAs can better monitor LEAs' compliance with federal rules requiring all students to be served by all of the programs for which they qualify (for example, ensuring ELs who have disabilities are provided appropriate services under Title III and IDEA). Additionally, suggest ways to incorporate intersectionality as a component of ongoing program evaluation and

improvement.

3. Illustrate ways in which SEAs and LEAs can enhance data reporting to include cross-tabulated data and encourage agencies to use such data to plan programs, allocate resources, evaluate what works, and do that work with equity as a central principle.
4. Highlight state and local efforts that have effectively used diverse federal and state funding resources to meet the needs of students who have multiple intersecting needs including when services are offered in schools by health, social services, and other community providers.

We would welcome the opportunity to discuss the issues and requests detailed in this letter. Should you or your staff have any questions, please feel free to contact Barbara Duffield (barbara@schoolhouseconnection.org) with Schoolhouse Connection, Lindsay Kubatzky (lkubatzky@ncld.org) with the National Center for Learning Disabilities, Julie Sugarman (jsugarman@migrationpolicy.org) with the Migration Policy Institute.

Sincerely,

All4Ed
Education Reform Now
The Education Trust
Learning Policy Institute
National Center on Immigrant Integration Policy at the Migration Policy Institute
National Center for Learning Disabilities
National Urban League
SchoolHouse Connection
UnidosUS

CC:

Catherine Lhamon, Assistant Secretary in the Office for Civil Rights

Glenna Gallo, Assistant Secretary in Office of Special Education and Rehabilitative Services

Montserrat Garibay, Assistant Deputy Secretary and Director for the Office of English Language Acquisition

Deborah Spitz, Group Leader, Office of School Support & Accountability in the Office of Elementary and Secondary Education