Research Brief: Supporting Students Experiencing Homelessness Involved in the Criminal Justice System

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About the National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-Risk

The mission of the National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-risk (NDTAC) is to improve educational programming for youth who are neglected or delinquent. NDTAC’s legislative mandates are to develop a uniform evaluation model for State Educational Agency (SEA) Title I, Part D, Subpart 1 programs; to provide technical assistance to states in order to increase their capacity for data collection and their ability to use those data to improve educational programming for youth who are neglected or delinquent; and to serve as a facilitator among different organizations, agencies, and interest groups that work with youth in neglect or delinquent facilities. For more information on NDTAC, visit the Center’s website at https://neglected-delinquent.ed.gov.
Introduction

This brief is designed for Title I, Part D (TIPD) State coordinators, as well as state education agencies (SEAs) and local education agencies (LEAs) that receive TIPD funding. This resource will provide an overview of experiences of homelessness among students in the United States; information on the relationship between experiences of homelessness and involvement in the criminal justice system among students; and suggestions for ways TIPD State coordinators can collaborate with Education for Homeless Children and Youth (EHCY) staff and coordinators to support students experiencing homelessness who have been involved in the justice system.1 This brief relies on the definition of homelessness as outlined in the McKinney-Vento Homeless Assistance Act which includes a lack of access to a fixed, regular, and nighttime adequate residence, such as living in emergency or transitional shelters, outside or on the street, or temporarily staying with others due to economic hardships (42 U.S.C. § 11434a(2)).2,3

Experiencing homelessness can have long-lasting implications for students’ educational outcomes as well as subsequent contact with the criminal justice system, placing Part D State coordinators, SEAs, and LEAs that receive Part D funding in unique positions to intervene in the lives of these students to support their wellbeing. In particular, the experience of homelessness can have detrimental effects on student attendance, grades, academic achievements, graduation rates, and social engagement with peers and adults. These effects are heightened for some students because not all young people have the same

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1 Throughout this brief, we primarily draw on resources to support school-aged students experiencing homelessness. However, data and other sources may extend to young adults under the age of 25.

2 This is the National Center for Homeless Education definition of homelessness.

3 Please note, the U.S. Department of Education McKinney-Vento Homeless Assistance Act and the associated resources are one primary pathway to support youth experiencing homelessness. Other federal agencies, including the U.S. Department of Housing, Health and Human Services, and Housing and Urban Development, have some differences in the language used to define experiences of homelessness and eligibility for homeless assistance services: U.S. Interagency Council on Homelessness (2018) provides more on differences in definitions.
odds of experiencing housing instability or homelessness. Racist and discriminatory housing policies and practices have contributed to the disproportionate representation of Black, Hispanic/Latino, Native Hawaiian or other Pacific Islander, American Indian and Alaskan Native youth populations experiencing homelessness across the country vi, v, vii.

LGBTQ+ youth are also overrepresented among young people experiencing homelessness, in part due to the housing discrimination against individuals who identify as LGBTQ+ viii. Unaccompanied LGBTQ+ youth report household tensions, conflicts with parents, and escalating feelings of rejection from their family preceding experiences of homelessness ix-v. Notably, youth and young adults who are involved with child welfare or juvenile justice systems – who are often eligible to be served by Part D programs – also disproportionately experience homelessness Morton et al., 2017x.

Students may also experience systemic discrimination and inequities that further impact their access to stable housing in response to aspects of their identity and lived experiences – including but not limited to their age, parental status, economic situation, previous episodes of homelessness both with and without their parents, nationality, language use, and disability status – and the intersection of these characteristics and experiences. In one national study, youth who identified as both LGBTQ+ and Black or multiracial, had some of the highest rates of experiences of homelessness xi.

By fostering effective collaboration between Part D State coordinators and EHCY coordinators, educational institutions can use a multifaceted approach to assist students facing both experiences of homelessness and involvement in the criminal justice system. This document will serve as a guide that describes several essential facets to supporting these students including: (1) information on the identification of students experiencing homelessness; (2) an overview of how experiences of homelessness affect students’ educational outcomes; (3) an understanding of how homelessness can lead to encounters with the criminal justice system; and (4) the delineation of strategic measures that Part D State coordinators and key stakeholders can implement to better support students, spanning collaborative initiatives during best determination meetings, impactful policy deliberations, facilitation of transition teams, data exchange, and more. This brief will also serve as a resource that will direct readers to a variety of materials aimed to enhance comprehension and provide actionable insights for effectively aiding students experiencing homelessness and navigating the complexities of the criminal justice system.

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4 This is defined in the McKinney-Vento Homeless Assistance Act as youth experiencing homelessness and not in the physical custody of a parent or caregiver (42 U.S.C. § 11434a(6)).

5 It is important to note that among young experiencing homelessness who identify as LGBTQ+, family conflict over their gender or sexual orientation is just one factor that contributes to experiences of homelessness – other factors such as poverty, substance use disorders, mental health challenges, previous experiences of homelessness and housing instability also contribute to young people’s experiences of homelessness (Morton et al., 2018).

6 To be sure, not every youth with these identities experience homelessness nor are their identities causes for their homelessness. Systemic inequities and discrimination based on these characteristics contribute to disproportionate risks for instability for some students.
Identifying Youth Experiencing Homelessness

Identifying youth who experience homelessness is essential to the provision of important services that can assist students with the continuation of their education. During the 2021-2022 school year, schools reported that over a million (1,205,259) students experienced homelessness across the United States.\(^7\) This likely undercounts the true number of students who experienced homelessness during this time because it is challenging to identify youth experiencing homelessness for a variety of reasons.\(^8\) For example, youth may be hesitant to disclose their housing status due to fear of discrimination and stigmatization\(^{xii}\). Additionally, youth may be fearful about disclosing their housing situation due to concerns about status offenses – as some states classify youth who have run away from home as status offenders\(^9\) \(^{xiii}\), \(^{xiv}\). Additionally, school staff report having limited training and resources to identify students experiencing homelessness\(^{xv}\). Collectively, it is difficult to know the true number of young people who experience homelessness, which in turn, can create an obstacle for LEAs to support all students with the necessary services.

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**Defining Homelessness**

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (per Title IX, Part A of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act) defines homeless as follows:

The term “homeless children and youths”

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes –

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C)).

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

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\(^7\) [Numbers pulled from ED Data Express](https://www.ed.gov)

\(^8\) In this brief we present a few reasons it is challenging to identify students experiencing homelessness. For more information, The National Center for Homeless Education has created resources – [Identifying Children and Youth Experiencing Homelessness](https://www.ed.gov) – to help identify students who are experiencing homelessness.

\(^9\) As a result of the instability associated with experiences of homelessness, some youth may also be at risk of status offenses related to truancy (National Law Center on Homelessness & Poverty, 2019).
Youth Experiencing Homelessness and The Education System

Experiencing homelessness can have long lasting implications for students’ educational outcomes. More specifically, experiencing homelessness can have detrimental effects on student attendance, grades, academic achievements, graduation rates, and social engagement\textsuperscript{xvi, xvii, xviii}. Children experiencing homelessness are also disproportionately suspended from school\textsuperscript{xix}. Notably, research shows that school suspensions, disciplinary school practices, lower academic achievement among students, and dropping out of school increase the odds of incarceration for youth\textsuperscript{xx, xxi}. 10 This is clear when one considers that institutional practices and policies that are exclusionary – that may warrant a student missing school, having less access to education in the classroom, or in other ways causes a student to disengage, are detrimental to a student’s educational outcomes.

The Breaking Schools’ Rules study, a Texas-based study that followed 1 million school children, found that students who receive a suspension or expulsion are more likely to drop out, be retained in the same grade, and enter the juvenile justice system than their peers\textsuperscript{xxii}. Apart from students’ experiences with housing instability or homelessness, there are other characteristics and experiences of young people that may make them particularly vulnerable to facing strict punishments (e.g., suspension or expulsion) in schools as a result of systemic discrimination and inequities in access to resources and supports, including whether they identify as LGBTQ+, are from families with lower incomes, have gone through difficult experiences like abuse or neglect, and have special education needs\textsuperscript{xxiii}.

Students who have experienced suspensions and expulsions are more likely to have a greater number of absences at school\textsuperscript{xxiv}, putting them at risk of being truant and subsequent contact with the criminal justice system\textsuperscript{xxv}.

School-to-Prison Pipeline

School policies and environments can also contribute to students’ involvement in criminal justice systems, especially for students experiencing instability or homelessness, and students of color. The term “school-to-prison pipeline” is a common way to describe how the education system and the criminal justice system are connected\textsuperscript{xxvi}.

\textsuperscript{10} Part D coordinators can collaborate with EHCY state coordinators who can review and revise policies and procedures that may impact homeless and justice-involved students equally (see the section ‘What Can Title I, Part D State Coordinators and Subgrantees Do?’ for more on collaboration).
Key aspects of the school-to-prison pipeline include:

1. Students having their education disrupted, at times due to strict disciplinary policies (e.g., zero tolerance policies), which influence the excessive use of suspension or expulsions.
   - The initial design of zero-tolerance policies were to respond to possession of weapons among students in schools. However, research yields only 5% of suspensions and expulsions across the U.S. were for this offense and that schools relying on such policies, on average, see no reductions in classroom disruptions. An additional contributor to the disruption of a student’s school time and feelings of exclusion are schools with rules that target or police characteristics that may be specific to a student’s culture or identity (e.g., codes for dress and appearance). Such rules can place students in positions where they may be punished or are left feeling isolated from their educational experience, such as hair policies that restrict Black students from having “locks/dreads” or other natural braided Black.

2. The criminalization of adolescent behaviors, heightened surveillance of minor misconduct (e.g., a schoolyard fight), and referrals or calls to law enforcement for a youth’s behavior.
   - A key component in the surveillance of student behaviors in schools are the use of security personnel as well as school resource officers (SROs) who are sworn law enforcement officers, which has direct implications on whether a student enters the criminal justice system. In a nationally representative sample of elementary, middle, and high schools, SROs funded via federal “COPS in Schools” grants identified more rule-breaking behavior and arrested more youth for property and violent offenses. Youth under age 15 made up the bulk of these arrests, which were often for violent offenses that could be described as a “scuffle”. This is aligned with research showing that schools that had SROs saw upticks in arrest rates for disorderly conduct; increases in violent incidents for middle schools and high schools; and upticks in offenses and exclusionary reactions, especially for Black and Hispanic students.

3. Racial and ethnic disparities among students who experience harsh discipline measures, and referrals to law enforcement for school-related incidents.
   - Liu and colleagues’ (2023) research on office discipline referrals (ODRs) found that teachers exhibiting extensive referring behaviors (the top 5% in schools) tended to issue more ODRs for Black and Hispanic students due to interpersonal offenses and defiance compared to other student populations, and that a teacher’s race was significantly associated with whether an ODR was issued for a variety of reasons (e.g., interpersonal offense, defiance, violence, drugs, class skipping, or other reasons). Racial and ethnic disparities are also present by district, with an
OJJDP-funded study on the school-to-prison pipeline showing that schools in urban districts held the highest rates of juvenile justice referrals and school-discipline practices. The study also found that Black and Latino students received harsher sanctions compared to white students for their first school discipline encounter, and that schools which were too stringent or lenient in punishment practices negatively influenced educational outcomes.

Youth Experiencing Homelessness and The Criminal Justice System

Youth involved in the criminal justice system disproportionately experience homelessness. The trauma of homelessness and experiences of instability can exact a heavy toll on a student’s mental health. Amidst experiences of instability, feelings of isolation and hopelessness can intensify for a student, leading to elevated levels of anxiety, depression, and emotional distress. The persistent absence of a secure and supportive home environment also impedes the development of healthy coping mechanisms, while the constant stressors may contribute to the onset of post-traumatic stress disorder (PTSD) because of exposure to traumatic events. The increased vulnerability brought about by homelessness places a student at a heightened risk of suicidal ideation and attempts, as they also deal with feelings of despair and a lack of access to appropriate mental health care.

Coping mechanisms and survival strategies that some students experiencing homelessness (not all) may engage in will increase their odds of encountering the criminal justice system. For instance, youth experiencing homelessness are more likely to engage in substance misuse, often as a coping mechanism for their complex trauma, which is a key predictor of subsequent incarceration. Furthermore, engagement in risky survival strategies such as acts of prostitution, theft and property, or drug dealing for financial stability and basic housing needs are other factors that increase the likelihood of police contact and youth incarceration among some youth experiencing homelessness.

Status Offenses

Another issue of prominence is that certain activities associated with the experience of homelessness are criminalized, which contribute to youth contact with the criminal justice system. Specifically, statutory offenses pertaining to curfews, youth truancy, running away, and underage drinking or tobacco use increase the chances of youth encountering law enforcement and placement within correctional settings (Mallett, 2017; Jones et al., 2021). By way of example, a youth without shelter who is outside beyond a certain time or who sleeps in the street may be subject to police contact. Law enforcement responses to such behaviors (e.g., truancy) disproportionately impact students who are experiencing homelessness.
homelessness.11 As a result, local education agencies and correctional agencies often become the primary mental and behavioral health providers for students. For instance, schools may be equipped with counseling and mental health supports and services, well-trained staff, and promote an educational culture where mental health is destigmatized and where school policies are trauma-informed1. To be clear, support for students experiencing homelessness can be more effective when investments in community-centered supports and services are present (e.g., community-crisis centers).

Importantly, there is a two-way relationship between experiencing time in incarceration and homelessness among youth. Youth who are confined to correctional settings face an elevated risk for homelessness both immediately upon their release11, and later in adulthood12. In part, formerly incarcerated youth encounter challenges in securing employment (Bullis et al., 200411; Khachatryan & Heide, 202311, housing11, and other crucial resources due to their past criminal records.13 By supporting youth at risk of or experiencing homelessness, there is an indirect potential to diminish the likelihood of youth coming into contact with the criminal justice system, as the experience of homelessness contributes to dropping out of school and achieving lower levels of education,14 thereby increasing the odds of incarceration11,12. Part D State coordinators are positioned to work with others to address some of these factors in their roles.
What Can Title I, Part D State Coordinators and Subgrantees Do?

TIPD State coordinators and subgrantees are in a unique position to collaborate with EHCY State coordinators and local homeless liaisons to support students experiencing homelessness who have been involved in the criminal justice system. Under the TIPD legislation, State coordinators award subgrants to state and local entities to provide services that may improve the educational outcomes for youth who are neglected, delinquent, or at-risk. This includes improving the quality of educational services; providing services that help youth successfully transition from correctional settings to further schooling or employment; preventing at-risk youth from dropping out; and providing youth who have dropped out of school and youth who are returning from institutions with a support system to ensure their continued education.

Therefore, State coordinators can support programs that help youth successfully transition back into school from the criminal justice settings, as well as programs that are both preventative and responsive to youth who drop-out. State coordinators may consider: (1) bringing awareness to the needs of youth experiencing housing instability or homelessness through the training and technical assistance that they provide to subgrantees; and (2) using the TIPD application process to encourage facilities to prioritize funding programs that center multi-system approaches to support youth experiencing homelessness and who are categorized as “delinquent” and/or “at-risk” under TIPD.

SAs and LEAs with Title I, Part D funded programs can consider supporting youth in their program by building awareness and collaborating across systems. By building awareness about youth who are experiencing homelessness or at risk of homelessness within a given district, as well as the resources that are available to support them, subgrantees can become more initiative-taking in identifying youth who are experiencing homelessness and being responsive to their needs. This can naturally build into working across systems to ensure continuity in responsiveness to the needs of youth who are transitioning from the secure setting back to the community. Below are recommendations on steps that Title I, Part D coordinators and their subgrantees can take:

Part D Subgrantees

1. **Cross-sector collaboration at best determination meetings:** Under the McKinney-Vento legislation, students experiencing homelessness are afforded the right to maintain their education at their school of origin, or the school where they were enrolled prior to their experience of homelessness (42 U.S.C. §
Decisions around school selection are made through a best interest determination process. Similar protections are also in place for students experiencing foster care. For youth exiting juvenile-detention centers who are also experiencing homelessness, discussions concerning school of origin may be more complicated, as their school of origin may be a school that they were not able to attend while incarcerated. It may be useful to have Part D subgrantee staff and local EHCY staff present at these meetings to ensure students’ educational rights are protected, and they are able to access the school that best meets their needs.

2. **Collaboration at transition team meetings:** In preparing for release from a secure setting back to the community, the inclusion of a McKinney-Vento liaison could serve as a safeguard to ensure that youth returning to their community and school are equipped with the resources necessary to attend school. In addition, this preparation would ensure that youth are not discharged to homeless situations and would work toward less students being discharged to the street or shelters. In the case of students who are unaccompanied and released, transition teams should consider strategies to secure more permanent housing prior to discharge. Transition teams may also learn at these meetings that a student’s siblings or other members are experiencing homelessness. McKinney-Vento liaisons can reach out to these families to coordinate support as well. Importantly, centering the student’s voice in determining their needs is important given that students returning from a correctional setting may have unique needs than what schools may prescribe. For some students, their goal may be earning a GED, technical training, or other alternatives to a high school diploma. This also helps with gaining their buy-in to the transition plan which can foster more successful outcomes for youth. Part D program administrators can work closely with EHCY staff and McKinney-Vento liaisons to explore these possibilities.

3. **Data sharing:** Sharing student level data and information at the LEA level is another way to ensure that youth experiencing homelessness are provided the supports necessary to remain enrolled in school, as well as referrals to additional services that may assist the student and their family with housing stability. Sharing of information about housing status should be done thoughtfully, and on a “need to know” basis. For example, if the TIPD coordinator is aware that a student is experiencing homelessness, they should disclose this information to their McKinney-Vento liaison to ensure students’ educational rights are protected.

4. **Work collaboratively to understand the needs of students:** Part D subgrantees can collaborate with community members and partners to understand the housing needs of students and families in their district. Collaboration with local community-based organizations and agencies that support youth experiencing homelessness, especially organizations that have preexisting relationships with youth and young adults experiencing homelessness, can bolster Part D subgrantees’ understanding of student needs. Collaborating with community members and organizations will help school administrators to gain insights into the local housing needs which will enable tailored support for students and families. A collective effort promotes equity, trust, and holistic development within the district. It may also be useful to conduct a needs assessment, and/or partner with the school district’s McKinney-Vento Homelessness Assistance liaison in this process. Part D Coordinators and their subgrantees can build a needs assessment by adopting and tailoring the Title I, Part D Program Administration Planning Toolkit. NCHE also provides a series of needs assessment resources.
Part D State coordinators

1. Collaborating on policy decisions: TIPD coordinators should consider opportunities to collaborate with EHCY state coordinators in reviewing policies that may systematically affect students experiencing homelessness who have been involved in the criminal justice system. In part, it is within the purview of EHCY coordinators to develop, review, or revise educational policies as it relates to removing barriers to the enrollment, attendance, and the academic success of students experiencing homelessness (42 U.S.C. § 11431(2)).

2. Collaborating on programs: Part D coordinators can leverage existing funding mechanisms to foster cross-system collaboration to support youth who are experiencing homelessness and are impacted by the criminal justice system. Part D coordinators may consider working with EHCY coordinators given that funding from the TIPD grants (that are set-aside for administrative purposes), and McKinney-Vento’s 25% maximum set-aside can be used to cover the costs for joint collaborations.

Notably, state agencies receiving Part D funding (under subpart 1) also have an opportunity to collaborate given that there is a min/max of 15-30% requirement for state agencies to use on transition programs. 15 An additional point of statewide collaboration when using funds to support youth would be to work together with JJDPA’s State Advisory Groups. 16

Altogether, TIPD coordinators hold a crucial and influential position when it comes to providing essential support for students receiving education in correctional settings, a demographic that also encompasses students who are at a heightened risk for experiencing homelessness. By fostering robust collaborative efforts with State EHCY Coordinators and local McKinney-Vento liaisons, TIPD coordinators can effectively bolster the safeguarding of educational rights for these vulnerable students. This collaborative synergy not only strengthens the educational system but also amplifies the impact of these dedicated professionals in creating a nurturing and inclusive environment conducive to the academic and personal growth of youth who are navigating the challenging intersection of homelessness and criminal justice involvement.

15 For example, a SA could use their transition funds to hire a transition coordinator to help with discharging students – assisting them in enrolling back in their public school, ensuring records are transferred in a timely manner, and coordinating a transition planning meeting to ensure a smooth re-entry into the public school system.

16 Most recently reauthorized in 2018, the Juvenile Justice and Delinquency Prevention Act (JJDPA) embodies a partnership between the federal government and the U.S. states, territories and the District of Columbia to protect children and youth in the juvenile and criminal justice system, to effectively address high-risk and delinquent behavior and to improve community safety. The law establishes State Advisory Groups (SAGs) in each state or U.S. territory to advise on juvenile justice issues, help maintain compliance with the core protections of the JJDPA and develop a 3-year plan for their state’s use of JJDPA funds. For information about the implementation of the JJDPA, visit the Office of Juvenile Justice and Delinquency Prevention.
Resources

National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth

- Transition Toolkit 3.0: Meeting the Educational Needs of Youth Exposed to the Juvenile Justice System
- Experiences of Homelessness Among Youth Involved in the Criminal Justice System

National Center for Homeless Education

- State coordinators for the Education of Children and Youth Experiencing Homelessness
- Basic Requirements of the McKinney-Vento Act
- Determining McKinney-Vento Program Eligibility
- Identifying Children and Youth Experiencing Homelessness
- Unaccompanied Homeless Youth
- Data and Statistics on Homelessness
- Juvenile Justice Resources
- Collaboration Resources
- Student Homelessness in America: School Years 2018-19 to 2020-21
- Access to Higher Education for Students Experiencing Homelessness
- Education Goals and Guided Discussion Tool

Additional Resources

- Centers for Disease Control and Prevention. Experiences of Unstable Housing Among High School Students – Youth Risk Behavior Survey, United States, 2021
- National Collaborative on Workforce and Disability for Youth. Making the Right Turn: A Research Update on Evidence-Based and Promising Post-Exit Supports for Formerly Incarcerated Youth
- Youth.gov. Juvenile Justice, Runaway Youth, and Youth Experiencing Homelessness.
Authors’ Bio

Sara Shaw, Ph.D., is a senior research scientist on the early childhood development team at Child Trends. Her work focuses on using mixed methods and community-based research to promote housing and educational justice for youth and families experiencing housing and economic insecurity. At Child Trends, Sara plays a key role in designing and launching projects focused on housing and educational justice at both local and national levels. This includes research that highlights barriers due to systemic racism and sexism – in accessing housing and early care and education, as well as research that connects families and youth experiencing housing insecurity and homelessness to high-quality education programs.

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