



MCKINNEY-VENTO ACT
HOMELESS CHILDREN AND YOUTHS ASSISTANCE
Policies and Procedures

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Overview

Subtitle VII-B of The McKinney-Vento Homeless Assistance Act authorizes the federal Education for Homeless Children and Youth (EHCY) Program and is the primary piece of federal legislation related to the education of children and youth experiencing homelessness. It was reauthorized in December 2015 by Title IX, Part A, of the Every Student Succeeds Act (ESSA).

Policies and procedures surrounding this law are continually evolving. New regulations and guidelines may supersede what is outlined within this manual. Enclosed content is taken largely from the PDE Guide to Pennsylvania's Education for Children and Youth Experiencing Homelessness (ECYEH) Program and the PDE Pennsylvania Statewide Directory for School District Liaisons.

Helpful Links

- Neshannock Township School District
 - www.ntsdsd.org
- Lawrence County Community Action Partnership (LCCAP)
 - <https://lccap.org/>
- Pennsylvania's Education for Children and Youth Experiencing Homelessness Program
 - <https://directory.center-school.org/homeless>
- McKinney-Vento Act
 - <https://www.education.pa.gov/K-12/Homeless%20Education/mckinneyvento/Pages/default.aspx>
- National Center for Homeless Education
 - <https://nche.ed.gov/>
- Pennsylvania Department of Education – Homeless Education
 - <https://www.education.pa.gov/K-12/Homeless%20Education/Pages/default.aspx>
- American Rescue Plan – Homeless Children and Youths
 - <https://www.education.pa.gov/K-12/Homeless%20Education/ARP/Pages/default.aspx>

Contact Information for Questions/Concerns

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Role of the Homeless Liaison

The Homeless Liaison is charged with the following:

- Knowing the guidelines associated with the federal law and services for homeless children
- Identifying homeless children and youth with assistance by school personnel and through coordination with other entities and agencies
- Informing parents/guardians of educational rights and related opportunities available to students
- Disseminate public notice of the educational rights of homeless students where children and youth receive services under the Act (such as schools, family shelters and food pantries)
- Mediate enrollment disputes in accordance with the Enrollment Dispute guidelines
- Inform the parent/guardian of a homeless child or youth, and any unaccompanied youth, of all transportation options, including to the school of origin, and assist in accessing these transportation services
- Facilitating the immediate enrollment of unaccompanied youth pending resolution of disputes that might arise over school enrollment or placement
- Understanding the PDE guidance issued for the education of homeless students and be ready to explain the Basic Education Circular related to homeless education to school district staff
- Knowing the best resources in your community to assist families with referrals for things such as shelter, counseling, food and transportation
- Distributing information on the subject of homeless students and arrange staff development workshops and presentations for school personnel, including office staff
- Providing standard forms and information about enrollment procedures and key school programs to each shelter in your district
- Being familiar with the various program materials that are available from the Pennsylvania Department of Education

Defining “Homeless” under the McKinney-Vento Homeless Act

“Homeless children and youth” are defined in one or more of the following ways:

- Children and youth who lack a fixed, regular and adequate nighttime residence, and includes children and youth 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 lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals or are awaiting foster care placement.
- Children and youth who have primary nighttime residence that is a private or public place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.
- Migratory children who qualify as homeless because they are living in circumstances described above.

Conflicting Policies and Procedures

From time to time state/district policies can contradict federal/state/district policies on the education of homeless youth. In these instances, district personnel should adhere to the guidelines outlined in this manual, consult with the District Liaison and/or consult with the regional coordinator. In many instances ECYEH guidelines need to be considered in addition to standard practices to ensure that barriers to a free and appropriate public education are removed for students experiencing homelessness. Common areas for this to happen are associated with residency requirements, enrollment records, timeliness of enrollment, guardianship requirements, and transportation arrangements.

Timely and Accurate Identification/Enrollment

Staff members who learn of or suspect a child could meet the criteria for homelessness should be routinely reminded to share that information with a Homeless Team Leader. Team Leaders are then able to gain additional information about the situation and if needed complete the Referral Form (enclosed) or document similar information. Notification should be made quickly to the District Liaison to gather and analyze information from the family or youth and make an appropriate determination of eligibility.

Expeditious determination of eligibility and immediate school enrollment are critical to the child's educational continuity and future success. The Liaison will then make contacts with other districts and community programs to help meet the needs of the child. Recommendations to the child/family and access to other services to help meet the child's needs and ensure their access to education should be enacted immediately as well.

School Selection and "Best Interest"

To counteract the educational disruption caused by students' mobility, the McKinney-Vento Act provides these students with the right to continue attending the school of origin, or enroll in any public school that non-homeless students who live in the same attendance area are eligible to attend, according to the student's best interest. The district is entitled to continue the child's or youth's education in the school of origin for the duration of homelessness or for the remainder of the academic year if the situation is unresolved, unless the youth's parent or guardian prefer to enroll them in the new district. In the event of an unaccompanied youth, the homeless liaison is designated to assist.

Enrollment

Most importantly, remember that the Homeless Act requires the immediate enrollment of children and youth experiencing homelessness, even in the absence of records, normally required for enrollment. Barriers and district actions must not exist that prohibit the enrollment of these students. A general guideline is to complete enrollment as quickly as possible and begin/continue their regular school attendance while other documentation and circumstances are being investigated or resolved. Keep them in school or get them enrolled – sort out the other details and seek guidance from there. The school selected in accordance with the student’s best interest shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. In cases with Homeless and especially Unaccompanied Youth, the district should plan to take a more active role in locating or recreating relevant academic records, immunizations, medical records and other needed documentation. In these cases it is not the sole responsibility of the student or family to produce the information. The terms “enroll” and “enrollment” are defined to include attending classes and participating fully in school activities.

Transportation

To counteract the educational disruption caused by students' mobility, the McKinney-Vento Act provides these students with the right to continue attending the school of origin, or enroll in any public school that non-homeless students who live in the same attendance area are eligible to attend, according to the student's best interest. It is important to consider the wishes of the parent/guardian and the student. Parents and youth should be informed of their school of origin rights and the available transportation services or other transportation options. The liaison can help set up transportation through coordination within the district and between other school districts. As a general rule, school districts are expected to split the cost of transportation when needed.

When determining a student's best interest, the following factors should be considered:

- The age of the child or youth
- The distance of a commute
- Personal safety issues
- A student's need for special instruction
- The length of anticipated stay in a temporary location
- The time remaining in the school year

Title 1A Funding and Financial Resources

Title I of the Elementary and Secondary Education Act I mandates that funds be reserved to serve homeless children. Title I states, "A local educational agency shall reserve such funds as are necessary to provide services comparable to those provided to children in schools funded under this part and to serve homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live." Title I also indicates that homeless children are eligible for services if they are attending schools served by an LEA.

Consideration should be given to the establishment of an emergency school supply/fee fund to assist homeless students to have as normal a school life as possible. Many times funds can be raised through donations from local service

groups or special school activities, such as the donated bags from the STPD and from each school's charitable collections.

Title I, Part A funds should be used as a last resort when funds or services are not available from other public or private sources to provide similar services for economically disadvantaged students in general. Services must be reasonable and necessary to assist homeless students to take advantage of educational opportunities.

Appropriate expenditures could include the following:

- Items of clothing, particularly if necessary to meet a school's dress or uniform requirement
- Clothing and shoes necessary to participate in physical education classes
- Student fees that are necessary to participate in the general education
- Personal school supplies such as backpacks and notebooks
- Birth certificates necessary to enroll in school
- Immunizations
- Food
- Medical and dental services
- Eyeglasses and hearing aids
- Counseling services to address anxiety related to homelessness that is impeding learning
- Outreach services to students living in shelters, motels, and other temporary residences
- Extended learning time (before/after school, summer school) to compensate for lack of quiet time in shelters or other living conditions
- Tutoring services, especially in shelters or other locations where homeless students live
- Parental involvement specifically oriented to reaching out to parents of homeless students
- Fees for AP and IB testing
- Fees for college entrance exams such as SAT or ACT
- GED testing for school-age students

Referrals and Services

The Homeless Liaison and district personnel can further support students in homeless situations by networking, referring and providing assistance toward accessing both district and community agencies and programming.

Such programs could include but are not limited to:

- Head Start and preschool programs
- Academic support such as tutoring, afterschool programs and summer programs
- Referrals to health care services, dental services, mental health services, and other appropriate services
- Lawrence County Children and Youth, Lawrence Crisis Shelter, City Rescue Mission, Foster Care and other support agencies
- Big Brothers/Big Sisters or other mentoring programs
- Shelters, housing, food, clothing and personal care agencies
- Parenting or enrichment workshops

Dispute Resolution

Pursuant to the McKinney-Vento Act, every state must develop procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths. 42 U.S. §11432(g)(1)(C). The state must ensure that LEAs comply with requirements set forth in the McKinney-Vento Act including ensuring immediate enrollment, providing written notice to families concerning school selection, enrollment decisions and providing enrollment and pendency in the school of choice while a dispute is being resolved. 42 U.S. §11432(g)(2)(A).

There are two dispute levels:

- Level 1 – A dispute raised with an LEA, where a parent, guardian or unaccompanied youth initiates the dispute. The LEA must issue a written disposition of the dispute within 20 business days after the liaison is notified of the dispute. The disposition is provided to the parent, guardian or unaccompanied youth to explain the basis for the decision and advise the parent, guardian or youth of the right to appeal. All LEAs must inform families of the basis of their decision regarding enrollment or school selection, notify families of their right to remain in their school of choice pending resolution of the dispute, and explain the procedures for challenging the decision of the LEA.
- Level 2 - A complaint filed with a McKinney-Vento Coordinator when a parent, guardian or unaccompanied youth is dissatisfied with the LEA's disposition of a dispute or raising any issue of McKinney-Vento Act noncompliance, files a complaint or appeal with a McKinney-Vento regional or site coordinator or with the state coordinator. The child or youth remains in the school in which he or she is seeking enrollment until the complaint or appeal is resolved or until a disposition from a McKinney-Vento coordinator is received. Any dispute raised by a homeless family or youth via telephone, letter or any mode of communication is treated as a complaint.

If a dispute arises over school selection or enrollment in a school:

1. The child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;
2. The parent or guardian must be provided with a written explanation of the school's decision on the dispute, including the right to appeal.
3. The child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute.
4. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

If disputes or complaints on non-compliance do arise regarding the education of homeless children and youth, the following system will be used.

Proposed Steps

- A. The Pennsylvania Department of Education recommends that the person having the complaint first contact the school or school district (i.e., the local school district liaison for homeless students, the principal or superintendent) to present their concerns to the people closest to the situation and most likely to be able to resolve it quickly.
- B. If step A is not successful or is not possible under the circumstances, contact should be made with the Regional/Site Coordinator or the Department of Education will accept complaints directly through the Education for Homeless Children and Youth Program at phone number (717) 783-6466.
- C. Individual cases may be referred to the Department's Office of Chief Counsel and the Office of Deputy Secretary for Elementary and Secondary Education, as needed (by the State Homeless Coordinator).
- D. The Department of Education will deliver a response within 20 business days of the receipt of the complaint. (The complaint may arrive in the form of a copy of the school/district letter or on the Dispute Letter Form, if given directly to a regional/site coordinator of the Homeless Children's Initiative.)

Dispute Form

Dispute Letter – English

<https://www.education.pa.gov/Documents/K-12/Homeless%20Education/Dispute%20Letter%20English.pdf>

Dispute Letter – Spanish

<https://www.education.pa.gov/Documents/K-12/Homeless%20Education/Dispute%20Letter%20Spanish.pdf>