

# **MCKINNEY-VENTO DISTRICT HOMELESS POLICY**

## **SAMPLE**

This McKinney-Vento Homeless Policy sample is being provided as an example of policy statements from the McKinney-Vento Homeless Assistance Act, Subtitle VII-B as reauthorized by Title IX, Part A of the Every Student Succeeds Act (ESSA) and could be used as guidance when reviewing current district policy or drafting new policy to ensure compliance with federal law. There are changes due to ESSA that will affect the district policy.

**Due to the reauthorization two items must be removed from the district policy for the 2017-2018 schoolyear:**

1. Any reference to foster care must be removed from the district policy.
2. The word “feasible” has been removed from the McKinney-Vento school stability language and must be removed from the district policy. According to Sec. 722(3)(B)(i)(ii) the language now states:
  - (i) Presume that keeping the child or youth in the school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the child’s or youth’s parent or guardian, or in the case of an unaccompanied youth, the youth;
  - (ii) Consider student-centered factors related to the child’s or youth’s best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child’s or youth’s parent or guardian or, in the case of an unaccompanied youth, the youth;

**FYI: Due to the reauthorization a homeless child’s or youth’s living situation shall be treated as a confidential student education record, and shall not be deemed to be directory information and shall be handled in a manner consistent with the Federal Education Rights and Privacy Act. Consider adding this to the district policy. See NDE Sample Policy, Section IV. Records (B.)(C.)**

**NOTE: 92 Nebraska Administrative Code 19-005.02 and 19-005.03 and 19-005.03C contains a timeline for the dispute resolution process. Check the district policy to ensure 92 Nebraska Administrative Code 19 compliance.**

NOTE: If there are questions about the district’s homeless policy please contact Cathy Mohnike at 402-471-1419 or at [cathy.mohnike@nebraska.gov](mailto:cathy.mohnike@nebraska.gov)

“This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. For comments regarding this document contact [nde.guidance@nebraska.gov](mailto:nde.guidance@nebraska.gov)”

**I. General Policy Statement:**

[INSERT DISTRICT NAME] shall ensure that homeless children and youths shall have equal access to the same free, appropriate public education, including public preschool education, as provided to other children and youths.

**II. Definitions:**

“School of Origin” shall mean the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including preschool. School of origin shall also include any designated receiving school for the next grade level for all feeder schools when a student completes the final grade level served by the school of origin.

“Homeless children and youths” shall mean any individuals who lack a fixed, regular, and adequate nighttime residence; and 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;
- (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 who qualify as homeless because they are living in circumstances described in (i-iii).

“Unaccompanied youth” shall mean a homeless child or youth not in the physical custody of a parent or guardian.

**III. School Stability:**

- A. School Selection: Each school shall presume that keeping a homeless child or youth enrolled in the child’s or youth’s school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the child’s or youth’s parent or guardian or, in the case of an unaccompanied youth, the youth.

To overcome the presumption that a child or youth should remain in his/her school of origin, the school shall consider student-centered factors including; the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child’s or youth’s parent or guardian or, in the case of an unaccompanied youth, the youth.

- B. Enrollment: Once the school is selected in accordance with the child's or youth's best interest, that child or youth shall be immediately enrolled even if the child or youth is unable to produce records normally required for enrollment including, but not limited to, previous academic records, immunization or other health records, proof of residency or has missed any application or enrollment deadlines during any period of homelessness.
- C. Transportation: If the child or youth continues to attend his or her school of origin, transportation shall be provided promptly even if there is a dispute pending regarding which school is in the child's or youth's best interest to attend. Transportation will continue to be provided to and from the school of origin for the remainder of any academic year during which the child or youth becomes permanently housed.

**IV. Records**

Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained:

- A. Such that all records are available, in a timely fashion, when a child or youth enrolls in a new school or school district;
- B. Any information about a homeless child's or youth's living situation shall be treated as a confidential student education record, and shall not be deemed to be directory information; and
- C. In a manner consistent with the Federal Education Rights and Privacy Act.

**V. Services:**

Local Education Agency Liaison: [INSERT DISTRICT NAME] shall identify an appropriate staff person to be the Local Educational Liaison (LEL) for all homeless children and youth attending [INSERT DISTRICT NAME]. The LEL responsibilities shall include, but are not limited to:

- A. Ensure homeless children and youth are identified through outreach and coordination activities including coordination with the Nebraska Department of Education Homeless Education Liaison, community, and school personnel responsible for education and related services to homeless children and youths;
- B. Receive appropriate time and training in order to carry out the duties required by law and this policy;
- C. Ensure homeless families and homeless children and youths are referred to health care, dental, mental health, substance abuse, housing and any other appropriate services;
- D. Ensure that homeless children and youths:
  - i. Are enrolled in school which includes attending classes and participating fully in school activities;
  - ii. Have a full and equal opportunity to meet the same challenging State academic standards as other children and youths;

- iii. Receive individualized counseling from counselors to prepare and improve their readiness for college, including college selection, application, financial aid, and on-campus supports.
  - iv. Unaccompanied youths are informed of their status as independent students under the Higher Education Act of 1965 and may obtain assistance from the LEL to receive verification of such status for purposes of the Free Application for Federal Student Aid.
- E. Ensure that public notice of the educational rights, and available transportation services, of the homeless children and youths is disseminated in locations frequented by parents or guardians of such youths, and unaccompanied homeless youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form that is easily understandable.
- F. Ensure the dispute resolution process identified below is carried out in accordance with the law and district policy.

**VI. Dispute Resolution:**

A. The dispute procedure must be available for disputes over eligibility, as well as school selection or enrollment.

B. In the event of a dispute regarding where a child or youth should enroll, the child or youth shall be immediately enrolled in the school in which enrollment is sought pending final resolution of the dispute, including all available appeals. The district shall immediately provide the child's parent or guardian or, in the case of an unaccompanied youth, the youth a written explanation of the decision made regarding the school selection including the right to appeal such decision. Said writing shall be provided in a manner and form understandable to such parent, guardian, or unaccompanied youth and also include the LEL contact information. The LEL shall carry out the dispute resolution process within 30 calendar days from the date of said writing pursuant to 92 Nebraska Administrative Code 19-005.02.

C. Appeals: Any parent, guardian or other person having legal or actual charge of a homeless child or youth that is dissatisfied with the decision of a school district after the dispute resolution process may file an appeal with the Commissioner within thirty calendar days of receipt of the decision by following the process in 92 Nebraska Administrative Code 19-005.03 and 19-005.03C.