



Educating Missouri's Homeless Children

The McKinney-Vento Act, as amended by the Every Student Succeeds Act of 2015, guarantees homeless children and youths an education equal to what they would receive if not homeless.



Who is Homeless?

Adopted from the McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B, Section 725(2) as amended by the Every Student Succeeds Act (ESSA) 2015

The term *homeless children and youths* are students–

- who lack a fixed, regular and adequate nighttime residence,
- including:
 - 1) children and youths who are sharing the housing of others due to a loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks or campgrounds due to a lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
 - 2) children and youths who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings;
 - 3) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - 4) migratory children who qualify as homeless because the children are living in circumstances described above.

If the residence is not fixed, regular and adequate, it is considered a homeless situation.

Educational Rights

Under the McKinney-Vento Act, State educational agencies (SEAs) and local educational agencies (LEAs) must review and revise policies and procedures to remove barriers to a high-quality education for homeless children and youths.

Every SEA must have an Office of the State Coordinator to oversee implementation of the Act, and every LEA must designate a local liaison able to carry out their duties to ensure that homeless students are identified and have a full and equal opportunity to succeed in school.

The McKinney-Vento Act also requires that:

- homeless students who move have the right to remain in their schools of origin, (i.e., the school the student attended when permanently housed or in which the student was last enrolled, which includes preschools) if that is in the student's best interest;
- if it is in the student's best interest to change schools, homeless students must be immediately enrolled in a new school, even if they do NOT have the records normally required for enrollment;
- transportation must be provided to or from a student's school of origin, at the request of a parent, guardian, or, in the case of an unaccompanied youth, the local liaison;
- homeless students must have access to all programs and services for which they are eligible, including special education services, preschool, school nutrition programs, language assistance for English learners, career and technical education, gifted and talented programs, magnet schools, charter schools, summer learning, online learning, and before- and after-school care;
- unaccompanied youths must be accorded specific protections, including immediate enrollment in school without proof of guardianship; and
- parents, guardians, and unaccompanied youths have the right to dispute an eligibility, school selection, or enrollment decision.

Homeless Liaison

Every LEA, whether or not it receives a McKinney-Vento subgrant, is required to designate a local liaison (Section 722(g)(1)(J)(ii)).

Homeless liaisons must ensure that:

- homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;
- homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, school or schools of the LEA;
- homeless families, children and youths receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs), early intervention services under Part C of the IDEA, and other preschool programs administered by the LEA;
- homeless families and homeless children and youths receive referrals to health, dental, mental health, and substance abuse services, housing services, and other appropriate services;
- parents or guardians of homeless children and youths are informed of educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- public notice of the educational rights of homeless students is disseminated in locations frequented by parents and guardians of such children and youths, and unaccompanied youths, including, schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians and unaccompanied youths;
- enrollment disputes are mediated in accordance with the requirements of the McKinney-Vento Act;
- parents and guardians and unaccompanied youths are fully informed of all transportation services, including transportation to and from the school of origin and are assisted in accessing transportation services;
- school personnel receive professional development and other support; and
- unaccompanied youths are enrolled in school, have opportunities to meet the same challenging State academic standards as the State establishes for other children and youths, are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (HEA) (20U.S.C. 1087vv), and their right to receive verification of this status from the local liaison.

School of Best Interest

Homeless children and youths frequently move, and maintaining a stable school environment is critical to their success in school. To ensure this stability, LEAs must make school placement determinations on the basis of the “best interest” of the homeless child or youth based on student-centered factors. (Section 722(g)(3)(B)).

Using this standard, an LEA must—

- (a) Continue the child’s or youth’s education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; **or**
- (b) Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

School Placement

The school of origin is the school the student attended when permanently housed or the school in which the student was last enrolled. The school of residency is the school that serves the area where the child or youth is currently physically dwelling. For example, this could include the school that serves the community where a homeless shelter is located or where a child or youth is doubling-up with friends or relatives.

When determining a child's or youth's best interest, an LEA must consider student-centered factors, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youths, 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. (Section 722(g)(3)(B)(ii)). We encourage an LEA to also consider the school placement of siblings when making this determination.

If a school district believes it is in a child's or youth's best interest to enroll in a school other than the school of origin or the school of choice, the district must provide a written explanation of its decision to the parent, guardian or unaccompanied youth along with a statement regarding the right to appeal the placement decision.

Enrollment

LEAs have an ongoing obligation to remove barriers to the enrollment and retention of homeless children and youths. (Section 721(2), 722(g)(1)(I)). The McKinney-Vento Act requires the immediate enrollment of homeless children and youths even if a child or youth is unable to produce the records normally required for enrollment, such as previous academic records, immunization and medical records, proof of residency, birth certificate, or other documentation, has missed application or enrollment deadlines during a period of homelessness, or has outstanding fees. (Sections 722(g)(3)(C)(i), 722 (g)(1)(H)).

Upon enrollment, it is the responsibility of the school district's homeless liaison to ensure that documentation normally required for enrollment is gathered and submitted in a timely manner. (Section 722(g)(3)(C)(ii)). In addition, an LEA should ensure that homeless students are attending classes and participating fully in school activities immediately upon the student being identified as eligible for McKinney-Vento rights and services.

Factors for Selection

Local liaisons can play an instrumental role in assisting homeless parents, guardians, and unaccompanied youth in selecting the school that will best meet the student's needs. The local liaison should:

- ensure that homeless parents, guardians, and unaccompanied youth understand the school selection options;
- reinforce the importance of school stability and educational continuity; and
- discuss with the homeless parents, guardians, and unaccompanied youth their unique circumstances, and assist them

Factors for school selection include:

- special needs for the homeless child.
- how do the programs and activities at the local school compare to those at the school of origin.
- how strong is the child or youth academically.
- continuity of instruction.
- length of stay in the homeless family's new location.
- distance and time needed to transport the child to and from school.
- are there any safety issues to consider.

Transportation

SEAs and LEAs are responsible for reviewing and revising policies, including transportation policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youths in the State. (Sections 721(2), 722(g)(1)(I)). Under the McKinney-Vento Act, homeless children and youths are entitled to receive transportation that is comparable to what is available to non-homeless students. (Section 722(g)(4)(A)).

In addition, SEAs and LEAs must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (Section 722(g)(1)(J)(iii)) (or, in the case of an unaccompanied youth, the liaison), to or from the school of origin in accordance with the following requirements:

- If the child or youth continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange for the child's or youth's transportation to or from the school of origin. (Section 722(g)(1)(J)(iii)(I)).
- If the child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally. (Section 722(g)(1)(J)(iii)(II)).

LEAs must provide transportation to students in homeless situations during the resolution of any pending disputes. While disputes over enrollment, school placement or transportation arrangements are being resolved, a student must be transported to the parents' or unaccompanied youth's school of choice. (Section 722(g)(3)(E)(i)). Inter-district transportation disputes should be resolved at the SEA level. (Section 722(g)(1)(C)).

LEAs must continue to provide transportation to and from the school of origin to formerly homeless students who have become permanently housed for the remainder of the academic year during which the child or youth becomes permanently housed. (Section 722(g)(3)(A)(II)).

Dispute Resolution

If a dispute arises over eligibility, school selection, or enrollment, the LEA must immediately enroll the homeless student in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals. (Section 722(g)(3)(E)(i)).

The dispute resolution policy should also consider that the statutory definition of "enroll" and "enrollment" includes attending classes and participating fully in school activities. (See section 725(1)). Therefore, dispute resolution procedures at the LEA and SEA level should address barriers to attending classes and fully participating in school activities. Inter-district enrollment disputes should be resolved at the SEA level.

Homeless families and youths may be unaware of their right to challenge placement and enrollment decisions. Therefore, the LEA must provide the parent, guardian, or unaccompanied youth with a written explanation of any decisions related to school selection or enrollment made by the school, the LEA, or the SEA involved, along with a written explanation of the appeal rights. (Section 722(g)(3)(E)(ii)). The LEA must refer the unaccompanied youth, parent, or guardian to the local liaison, who must carry out the dispute resolution process established by the SEA as expeditiously as possible. (Section 722(g)(3)(B)(iii)). The local liaison should assist the child and family in preparing the appeal and should make the resources of the school (e.g., copying, mailing, or obtaining records) available to the parent, guardian, or unaccompanied youth.

If a dispute arises over eligibility, school selection, or enrollment in a school, the parent, guardian, or unaccompanied youth must be provided with a written explanation of any decisions related to eligibility, school selection, or enrollment made by the school, the LEA, or the SEA involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions. (Section 722(g)(3)(E)(ii)). Notice and written explanation from the LEA about the reason for its decision, at a minimum, should include the following:

- An explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, which should include:
 - a description of the action proposed or refused by the school;
 - an explanation of why the action is proposed or refused;
 - a description of any other options the school considered;
 - the reasons why any other options were rejected;
 - a description of any other factors relevant to the school's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources;
 - appropriate timelines to ensure any relevant deadlines are not missed; and
- Contact information for the local liaison and State Coordinator, and a brief description of their roles.

A copy of the Standard Complaint Resolution Process can be found online at <https://dese.mo.gov/sites/default/files/qs-fc-hmls-Homeless-Dispute-Resolution-Aug-19.pdf>

Children and youths in homeless situations are entitled to services comparable to those offered to other students. These include, but are not limited to, services for children and youths with disabilities, programs for students with limited English proficiency, vocational and technical education programs, and programs for gifted and talented students. Children and youths who are homeless are also eligible for school nutrition programs sponsored by the U.S. Department of Agriculture and for services under Title I of the Elementary and Secondary Education Act that target students most at risk of failing in school.



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Call Missouri's Homeless Coordinator at (573) 522-8763