



**Welcome to SchoolHouse Connection's Webinar
McKinney-Vento and ESSA: Back-to-School Review
August 23, 2017**

Links for information included in the webinar

The PowerPoint, webinar recording and handouts will be available on our website, at <http://www.schoolhouseconnection.org/webinars/>

For information from the US Department of Education: <https://ifap.ed.gov/ifap/>

To reach your local McKinney-Vento liaison, you can contact your State Coordinator. Contact list is available at: https://nche.ed.gov/states/state_resources.php

For data on unaccompanied homeless youth: <http://www.schoolhouseconnection.org/higher-education/>

For laws, guidance and other information on higher education and homelessness: <http://www.schoolhouseconnection.org/higher-education/>

Questions and Answers

Q: Are any of the 10 specific duties of the homeless liaison new?

A: Yes: Connecting families to Early Head Start and IDEA Part C (early intervention); ensuring families and youth receive referrals to housing and substance abuse services; disseminating notice of educational rights in locations frequented by parents, guardians and unaccompanied youth, including public libraries, in an understandable manner and form; ensuring school personnel providing McKinney-Vento services receive professional development and other support; ensuring unaccompanied youth are enrolled in school, can earn partial credits, and are

informed of their independent student status for the FAFSA and assisted in obtaining verification of that status.

Q: Are all these regulations and duties also applicable to College and Higher-Ed institutions?

A: The McKinney-Vento Act applies to local educational agencies, including public preschools and public K-12 schools. Colleges and other higher education institutions must follow the provisions of the Higher Education Act, as amended by the College Cost Reduction and Access Act, as well as the Department of Education's Application and Verification Guide, Dear Colleague Letters, and other guidance. Information on these laws and guidance is on our website at <http://www.schoolhouseconnection.org/higher-education/>.

Q: Can you address determining MV status for students who have been doubled up with family for consecutive years. For example, I see many students who have lived with their parent(s) in another relative's home for years at a time. The parent(s) may or may not work, do not pay rent or assist with bills (or may pay a minimal amount), and could not move into their own home due to financial instability, poor credit history, mental illness, etc.

A: The McKinney-Vento Act does not put a time limit on homelessness, and homelessness can stretch over several years. A child or youth who is "sharing the housing of others due to loss of housing, economic hardship or a similar reason" is considered homeless under the law. Over time, the reasons for sharing housing may change, such as when families decide to share an adequate dwelling to save on costs, or when someone is providing child or elder care for the homeowner. If the housing is adequate and regular and not based on loss of housing, economic hardship or a similar reason, it may not qualify as homeless. It's also important to note that eligibility is the initial question; what services are provided and whether remaining in the school of origin is in the student's best interest are subsequent and distinct determinations.

Q: We have 4 elementary schools that end at Grade 4. Students have a choice of 3 middle schools to go on to. Am I to understand that these schools are not feeder schools? All our Grade 8 move on to 1 high school in the district...would be a feeder school. Please clarify.

A: You are correct. Based on your description, the transition from elementary to middle school does not follow a feeder school pattern, as there is not a specific middle school designated to receive students from a particular elementary school. McKinney-Vento students would go to middle school based on the same criteria as other students. However, if one particular high school is designated to receive all students from a particular middle school(s), that is a feeder school pattern.

Q: Does the DOE Office of Civil Rights have jurisdiction over MVA issues?

A: The Office of Civil Rights has never received or heard a McKinney-Vento complaint, to our knowledge. Nothing in the statute specifically provides that jurisdiction. However, federal courts have jurisdiction to hear McKinney-Vento matters pursuant to 42 USC 1983.

Q: Are there any barriers for deaf youth that experience homeless, to receive McKinney Vento?

A: The McKinney-Vento Act does not have any special provisions for students who are deaf or have other disabilities; however, it applies in full to all students experiencing homelessness, regardless of the presence of a disability. The Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act would apply and would work in conjunction with the McKinney-Vento Act.

Q: If a student is crossing two LEAs to get to their LEA of origin, do all three have to coordinate?

A: The McKinney-Vento Act requires the LEA where the student is attending school and the LEA where the student is staying to coordinate ("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" or share the responsibility and cost equally if they cannot agree). However, it would be a best practice for other involved LEAs to coordinate if that would help make transportation more appropriate and/or cost-efficient.

Q: There was mention of resources to be able to assess students' mastery of subjects to award credits. Could you provide more details about some of these assessments?

A: We are working on developing tools for this, but we don't have any available right now. A quick web search turned up a few potential (but not vetted) resources, including

- <https://www.ed.gov/oii-news/competency-based-learning-or-personalized-learning>
- <http://www.louisianabelieves.com/assessment/assessments-for-high-schools>
- <https://www.competencyworks.org>

Q: What about a mother with two children who was in the battered women's shelter, qualified last year and are applying for services this year. They received an apartment from the shelter for one year. They have had it since last January. Lease is still good till this January. Both mom and shelter are on the lease.

A: This sounds like a transitional housing program, which is specifically covered under the McKinney-Vento Act.

Q: Can you speak to the legal responsibility of the school district to inform parents of unaccompanied youth under age 18 of their enrollment?

A: A school district has no legal responsibility to inform parents of unaccompanied youth under 18 of their enrollment. Under the Family Educational Rights and Privacy Act (FERPA), if a parent contacts the school and verifies her identity as the student's parent, the parent has the right to access the student's educational records until the student turns 18, at which point those rights

belong to the student, not the parent. However, the school does not have to contact the parent on its own, and in fact, schools should assess whether such contact may create a barrier to the student's identification, enrollment or retention in school prior to making such a contact. Discussing the issue with the youth is an excellent first step. If there is a suspicion of trafficking or kidnapping, the school can check with missingkids.org or local law enforcement to see if the youth has been reported missing.

Q: When does Child Services become involved with Unaccompanied youth?

A: This varies based upon state and local laws and practices. Under McKinney-Vento, schools are required to remove barriers to identification, enrollment and retention in school. Child welfare reporting can be a significant barrier to identification, enrollment and retention, as most youth do not want to be involved in the child welfare system. Therefore, while schools must comply with mandatory reporting laws, they should not report unaccompanied youth to child welfare as a matter of course. Reporting should be based on known risks of abuse, and schools should discuss reporting and potential consequences with youth before making reports. Homelessness alone is not abuse or neglect.

Q: How does the new immunization regulations impact student enrollment under McKinney Vento? If we must enroll the students, how long do the students/families have to obtain proper immunization if they do not have their records and they cannot be obtained from the previous school?

A: The McKinney-Vento Act supersedes any state or local immunization laws or regulations. The Act requires immediate enrollment of students experiencing homelessness, regardless of missing immunizations or other health records. There is no time limit in the law for how long McKinney-Vento students can be in school while immunizations or other health records are obtained. The vast majority of students have been enrolled in school before and have had required immunizations. These records should be a part of their school records. Since the enrolling school is required to contact the previous school for records, the information should be available quickly. The enrolling school and the McKinney-Vento liaison should work together to get immunization records as soon as possible.

If a student has not had immunizations, initial doses should be administered as soon as possible, unless the student has a philosophical, religious, or medical exemption. (It is accepted practice in most states and in the public health community that some children will not be immunized for these reasons, and it is recognized among public health practitioners that the fact that most students are immunized prevents serious outbreaks from occurring.)"