

CHANGES IN MCKINNEY-VENTO



THE EFFECTIVE DATE OF NEW ENCY REQUIREMENTS IS OCTOBER 1, 2016.

LEA LIAISON – CHANGES IN DUTIES

- THE STATUTE NOW REQUIRES LEA LIAISONS FOR HOMELESS CHILDREN AND YOUTHS TO: (A) *ENSURE THAT SCHOOL PERSONNEL* PROVIDING SERVICES UNDER THE MCKINNEY-VENTO ACT RECEIVE PROFESSIONAL DEVELOPMENT AND OTHER SUPPORT. (SECTION 722(G)(6)(A)(IX))
- –(B) ENSURE THAT UNACCOMPANIED HOMELESS YOUTHS (I) ARE ENROLLED IN SCHOOL, (II) HAVE OPPORTUNITIES TO MEET THE SAME CHALLENGING STATE ACADEMIC STANDARDS AS OTHER CHILDREN AND YOUTHS, AND (III) ARE INFORMED OF THEIR STATUS AS INDEPENDENT STUDENTS UNDER THE HIGHER EDUCATION ACT OF 1965 AND THAT THEY MAY OBTAIN ASSISTANCE FROM THE LEA LIAISON TO RECEIVE VERIFICATION OF SUCH STATUS FOR PURPOSES OF THE FREE APPLICATION FOR FEDERAL STUDENT AID. (SECTION 722(G)(6)(A)(X))
- –(C) ENSURE THAT PUBLIC NOTICE OF THE EDUCATIONAL RIGHTS OF THE HOMELESS CHILDREN AND YOUTHS IS DISSEMINATED IN LOCATIONS FREQUENTED BY PARENTS OR GUARDIANS OF SUCH YOUTH, AND UNACCOMPANIED HOMELESS YOUTHS, INCLUDING SCHOOLS, SHELTERS, **PUBLIC LIBRARIES**, AND SOUP KITCHENS, **IN A MANNER AND FORM THAT IS UNDERSTANDABLE**. (SECTION 722(G)(6)(A)(VI))



LEA LIAISONS – CHANGES IN DUTIES

- IN ADDITION, LEA LIAISONS WHO RECEIVE APPROPRIATE TRAINING MAY NOW AFFIRM THAT A CHILD OR YOUTH WHO IS ELIGIBLE FOR AND PARTICIPATING IN A PROGRAM PROVIDED BY THE LEA, OR THE IMMEDIATE FAMILY OF SUCH A CHILD OR YOUTH, IS ELIGIBLE FOR HOMELESS ASSISTANCE PROGRAMS ADMINISTERED UNDER TITLE IV OF THE MCKINNEY-VENTO ACT. (SECTION 722(G)(6)(D))
- LIAISONS ARE AUTHORIZED TO AFFIRM WHETHER CHILDREN AND YOUTH MEET THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) DEFINITION OF HOMELESSNESS, TO QUALIFY THEM FOR HUD HOMELESS ASSISTANCE PROGRAMS.
- LIAISONS MUST REFER HOMELESS FAMILIES AND STUDENTS TO HOUSING SERVICES, IN ADDITION TO OTHER SERVICES.



LEA SCHOOL STABILITY PROVISIONS

- THE STATUTE HAS MODIFIED THE REQUIREMENTS GOVERNING “BEST INTEREST” DETERMINATIONS TO INCLUDE THE FOLLOWING:
- –(A) THE LEA MUST PRESUME THAT KEEPING A HOMELESS CHILD OR YOUTH IN THE SCHOOL OF ORIGIN IS IN THE CHILD’S OR YOUTH’S BEST INTEREST UNLESS 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. (SECTION 722(G)(3)(B)(I)).
- –(B) THE LEA MUST CONSIDER STUDENT-CENTERED FACTORS RELATED TO A CHILD’S OR YOUTH’S BEST INTEREST, 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)).
- –(C) IF THE LEA DETERMINES THAT IT IS NOT IN A CHILD’S OR YOUTH’S BEST INTEREST TO ATTEND THE SCHOOL OF ORIGIN, OR THE SCHOOL REQUESTED BY THE PARENT, GUARDIAN, OR UNACCOMPANIED YOUTH, **IT MUST PROVIDE A WRITTEN EXPLANATION OF THE REASONS FOR ITS DETERMINATION, IN A MANNER AND FORM THAT IS UNDERSTANDABLE.** (SECTION 722(G)(3)(B)(III)).



LEA SCHOOL STABILITY PROVISIONS

- THE DEFINITION OF SCHOOL OF ORIGIN INCLUDES THE DESIGNATED RECEIVING SCHOOL AT THE NEXT GRADE LEVEL FOR ALL FEEDER SCHOOLS, WHEN A STUDENT COMPLETES THE FINAL GRADE LEVEL SERVED BY THE SCHOOL OF ORIGIN. THE DETERMINATION OF WHETHER IT IS IN A STUDENT'S BEST INTEREST TO FOLLOW THE FEEDER SCHOOL PATTERN IS SUBJECT TO THE SAME PROCESS AS OTHER BEST INTEREST DETERMINATIONS.
- WHEN A STUDENT OBTAINS PERMANENT HOUSING, TRANSPORTATION TO THE SCHOOL OF ORIGIN MUST BE PROVIDED UNTIL THE END OF THE ACADEMIC YEAR, IF IT IS IN THE STUDENT'S BEST INTEREST TO REMAIN IN THAT SCHOOL.



LEA IMMEDIATE ENROLLMENT

- THE ESSA NOW REQUIRES THAT A SCHOOL SELECTED BASED ON A HOMELESS CHILD'S OR YOUTH'S BEST INTEREST MUST IMMEDIATELY ENROLL SUCH CHILD OR YOUTH EVEN IF HE OR SHE HAS MISSED APPLICATION OR ENROLLMENT DEADLINES DURING ANY PERIOD OF HOMELESSNESS.
- ♣ PLEASE NOTE: STATE PLAN DESCRIPTION OF PROCEDURES TO REMOVE BARRIERS TO ENROLLMENT IN SPECIAL KINDS OF PUBLIC SCHOOLS AND PROGRAMS (SECTION 722(G)(3)(C)(I)(II)).



LEA IMMEDIATE ENROLLMENT

HOMELESS CHILDREN AND YOUTH MUST BE ENROLLED IN SCHOOL IMMEDIATELY, EVEN IF THE STUDENT HAS MISSED APPLICATION OR ENROLLMENT DEADLINES DURING ANY PERIOD OF HOMELESSNESS.

- SEAS AND LEAS MUST DEVELOP, REVIEW, AND REVISE POLICIES TO REMOVE BARRIERS TO THE IDENTIFICATION, ENROLLMENT, AND RETENTION OF HOMELESS STUDENTS IN SCHOOL, **INCLUDING BARRIERS DUE TO FEES, FINES, AND ABSENCES.**



CHANGES TO LEA ENROLLMENT COMPLAINTS AND DISPUTES

- THE ENROLLMENT DISPUTE PROCEDURES NOW ENCOMPASS ELIGIBILITY AND THE PROTECTIONS IN THOSE PROCEDURES HAVE BEEN CLARIFIED.
- –THE OFFICE OF THE STATE COORDINATOR NOW HAS AN EXPLICIT DUTY TO RESPOND TO INQUIRIES FROM THE PARENTS AND GUARDIANS OF HOMELESS CHILDREN AND YOUTHS, WHICH MAY INCLUDE ELIGIBILITY DISPUTES. (SECTION 722(F)(7))
- –IF A DISPUTE ARISES OVER ELIGIBILITY, 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. (SECTION 722(G)(3)(E))



EXPANSION OF SCHOOL OF ORIGIN

- THE DEFINITION OF “SCHOOL OF ORIGIN” NOW SPECIFICALLY INCLUDES **PRESCHOOLS** AND, WHEN A CHILD OR YOUTH COMPLETES THE FINAL GRADE LEVEL SERVED BY THE SCHOOL OF ORIGIN, AND IT ALSO INCLUDES THE DESIGNATED RECEIVING SCHOOL AT THE NEXT GRADE LEVEL FOR ALL FEEDER SCHOOLS. (SECTION 722(G)(3)(I))



OTHER SIGNIFICANT CHANGES

- PRIVACY - THE LAW NOW SPECIFIES THAT INFORMATION ABOUT A HOMELESS CHILD'S OR YOUTH'S LIVING SITUATION SHALL BE TREATED AS A STUDENT EDUCATION RECORD, AND SHALL NOT BE DEEMED TO BE DIRECTORY INFORMATION. (SECTION 722(G)(3)(G))
- ♣AWAITING FOSTER CARE PLACEMENT: FURTHER ED GUIDANCE ON THE TRANSITION FROM MCKINNEY-VENTO ELIGIBILITY AND THE NEW TITLE I, PART A PROVISIONS FOR STUDENTS IN FOSTER CARE WILL BE ISSUED SEPARATELY.



Dana Davis
McKinney-Vento State Coordinator
501-683-5428
dana.davis@arkansas.gov

