

***MCKINNEY-VENTO
HOMELESS EDUCATION ACT OF 2015
EVERY STUDENT SUCCEEDS ACT, TITLE IX, PART A
FOR THE EDUCATION OF CHILDREN AND YOUTH
EXPERIENCING HOMELESSNESS***

**Dispute Resolution Guide:
McKinney-Vento Eligibility School Selection/Enrollment**

***As Amended by the Every Student Succeeds Act of 2015
Public Law 114-95***

Revised Summer 2019



Table of Contents

Introduction	1
The Guide	1
McKinney-Vento Act (MVA) Dispute Resolution Provisions	2
Common MVA Dispute Resolution Terms and Acronyms	2
Florida McKinney-Vento Act Dispute Resolution Process	3
MVA Eligibility: Definitions and Areas of Dispute	4
Recommended School-Level Practices for Determining MVA Eligibility	5
School Registrar Practices for MVA Eligibility	5
School Homeless Contact Practices for MVA Eligibility.....	5
Recommended Local Educational Agency (LEA)-Level Homeless Liaison Practices for MVA Eligibility.....	6
State-Level MVA Dispute Resolution Process for MVA Eligibility.....	7
MVA School Selection or Enrollment: Definitions and Areas of Dispute.....	8
Recommended School-Level Homeless Contact Practices for MVA School Selection or Enrollment	10
Recommended LEA-Level Homeless Liaison Practices for MVA School Selection or Enrollment.....	11
State-Level Dispute Resolution Process for MVA School Selection or Enrollment.....	12
Appendices: Dispute Resolution Relevant Forms	13
Appendix A: McKinney-Vento Act Written Explanation of Eligibility or School Selection or Enrollment Dispute Decision Directions and Form.....	14
Appendix B: McKinney-Vento Act Best Interest Determination for School Placement Worksheet	17
Appendix C: Checklist for Comparing School Selection Options for Homeless Children and Youth	18
Appendix D: Student Housing Questionnaire (Sample).....	19

INTRODUCTION

The Florida Department of Education (FDOE) and its Local Educational Agencies (LEAs) seek to act in the best interest of every student, including those experiencing homelessness.

The McKinney-Vento Homeless Assistance Act referred to as the McKinney-Vento Act (MVA), Title IX, Part A of the Every Student Succeeds Act (ESSA), provides important educational protections and rights for children and youth experiencing homelessness. Each LEA has a written policy and process that:

- assures its commitment to providing an education to children and youth experiencing homelessness that is comparable to the education provided to non-homeless students;
- provides a way for a parent or guardian or an unaccompanied homeless youth (UHY) to appeal school or LEA eligibility, school placement and enrollment determinations they believe are not in their child's best interest, i.e., a process to resolve disagreements over eligibility and school selection or enrollment; and
- assures that, when there is a dispute, a homeless child or youth is immediately enrolled in the MVA-eligible school requested by the parent, guardian or UHY, until the dispute is resolved.

Acronyms and Terms

For definitions of acronym and terms used in *The Guide*, refer to the Acronyms and Terms section on page 2.

Each LEA's liaison for homeless children and youths (homeless liaison) oversees the dispute resolution process and assists parents to navigate that process.

It is best for MVA disputes to be resolved locally, through the LEA's MVA dispute resolution process. The LEA's designated homeless liaison is available to assist homeless students and families in understanding their educational rights and resolving disagreements. If a resolution is not reached locally, then parents or guardians or UHY may submit MVA disputes, with the assistance of the homeless liaison, to the state coordinator for the education of homeless children and youths (state coordinator), at the FDOE for review and final determination.

THE GUIDE

The FDOE *McKinney-Vento Act Dispute Resolution Guide for Eligibility and School Selection or Enrollment (The Guide)* is designed to assist school, LEA and the FDOE staff to properly apply the dispute resolution provisions of the MVA.

Homeless children and youth have an educational right to immediate enrollment in a school they are eligible to attend (section 722(g)(3)(C)). Schools and LEAs have a responsibility to place students in MVA-eligible schools and programs that are in the students' best interest (section 722(g)(3)(A)). When parents, guardians or UHY disagree with a school's or LEA's eligibility, placement or enrollment determination, the LEA may choose to follow the dispute resolution steps provided in *The Guide* or follow their own written dispute resolution process of school-level and LEA-level actions to resolve disagreements.

Disputable areas of the law--eligibility and school selection or enrollment--are addressed individually in *The Guide*. Each section begins with a list of the relevant MVA references, definitions of relevant terms, and a list of the topics that are disputable, followed by descriptions of and guidance for each level of responsibility: school, LEA, state, and parents or guardians or UHY.

The practices implemented at the school level are important to assure an initial application of the MVA provisions that will lead to mutually agreeable decisions between the school and parent, guardian or UHY. The first responsibility of the LEA is to provide support to schools in carrying out their responsibilities and then to work to resolve misunderstandings and disagreements. The homeless liaison initiates and oversees the implementation of the LEA's dispute resolution process and can engage the state coordinator at any point in the process for clarification and guidance (<http://www.fldoe.org/policy/federal-edu-programs/>).

Florida McKinney-Vento Act Dispute Resolution Guide

To the extent that there is an occasion that a dispute elevates to the state McKinney-Vento Act Dispute Resolution Process, the state coordinator will manage the process as described in *The Guide*.

Resolve Disputes in the best interest of the child or youth. If, after explaining the rationale regarding an eligibility, school placement, or enrollment determination, a parent, guardian, or UHY wishes to appeal that determination, initiate your LEA's dispute resolution process immediately. Follow the steps of that process quickly to assure the student's best interest.

MVA DISPUTE PROVISIONS

With regard to MVA eligibility and school selection or enrollment, the MVA provides that:

- LEAs have written procedures for the prompt resolution of disputes regarding the educational placement of MVA-eligible children and youth (s.722(g)(1)(C)).
- When a dispute arises over MVA eligibility, or school selection or enrollment (s.722(g)(3)(E))--
 - the LEA enrolls the MVA-eligible child or youth in the MVA-eligible school (see definition below) in which enrollment is sought by the parent, guardian or UHY, pending final resolution of the dispute, including all available appeals; (s.722(g)(3)(E)(i));
 - the LEA provides the child's or youth's parent, guardian or UHY with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian or UHY, including information regarding the right to appeal such decisions (s.722(g)(3)(E)(ii));
 - schools refer the parent, guardian, or UHY to the LEA's homeless liaison to carry out the LEA's dispute resolution process as expeditiously as possible after receiving notice of the dispute; (s.722(g)(3)(E)(iii)); and
 - in the case of an UHY, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute (s.722(g)(3)(E)(iv)).
- The State Coordinator makes a final determination on disagreements that are not resolved at the local level (s.722(g)(1)(C)).

COMMON MCKINNEY-VENTO DISPUTE RESOLUTION ACRONYMS AND TERMS

ACRONYMS

EHCY: Education of Homeless Children and Youths

FDOE: Florida Department of Education

HL: LEA-designated Homeless Liaison

LEA: Local Educational Agency (school district)

MVA: McKinney-Vento Act

SC: State Coordinator for the Education of Homeless Children and Youths, the FDOE

SHC: School Homeless Contact

SHQ: Student Housing Questionnaire

UHY: Unaccompanied Homeless Youth (a child or youth who is not in the physical custody of a parent)

UY: Unaccompanied Youth (a youth who has not yet been identified as homeless)

TERMS

Parent: For the purposes of the McKinney-Vento Act Dispute Resolution Process, the term "parent" includes a child's biological parent, stepparent or legal guardian and does not include other adults acting as a parent under s. 1000.21(5), Florida Statutes.

MVA-Eligible School: 1) the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool (school of origin), or 2) the school for which the child or youth is zoned for where they are currently staying, or 3) any public school that non-homeless students who live in the attendance area in which the child or youth is currently staying are eligible to attend (s.722(g)(3)(A)(ii) and (iii)).

**Florida McKinney-Vento Act Dispute Resolution Process
Eligibility for Services and School Selection or Enrollment**

Settle disagreements in a timely manner. Each LEA's homeless students policy ensures compliance with federal and state legislation and policy governing the education of children and youth experiencing homelessness and designates a homeless liaison to assist the family and school in navigating the local dispute resolution process and, if necessary, accessing the state dispute resolution process. The Office of the State Coordinator for Homeless Education at the Florida Department of Education may be consulted at any time during the local dispute resolution process.

To comply with s.722(g)(3)(E) of the MVA, as amended by the *Every Student Succeeds Act* (Title IX, Part A, Public Law 114-95), if a school, in consultation with the homeless liaison, denies a student eligibility or enrollment under the MVA, the homeless liaison or designee shall provide the parent or guardian of the child or youth or the unaccompanied homeless youth with a written explanation of the school's decision regarding eligibility for MVA rights. The right to appeal the decision and the process to be followed must be included in this written notice. The school's initial determination process must not take so much time as to threaten the immediate enrollment provision of the MVA (s.722(g)(3)(C)).

The LEA homeless liaison maintains a copy of such written notification of appeal. When a parent, guardian or UHY appeals an eligibility or enrollment or school placement determination, in writing or verbally, the LEA shall:

1. immediately enroll the student into the McKinney-Vento Act-eligible school* in which enrollment is sought and provide all services for which the student is eligible, pending resolution of the dispute;
2. refer the parent, guardian or UHY to the LEA's homeless liaison to carry out the local dispute resolution process as expeditiously as possible once notified, and;
3. ensure the UHY is informed of his or her rights throughout the process as stated in the responsibilities of the local liaison (s.722(g)(6)).

Initiating a State-Level Appeal

If the parent, guardian or UHY disagrees with the LEA's decision after all local appeals are exhausted, he or she can appeal to the Florida Department of Education Homeless Education Program (s.722(g)(3)(E)(ii)).

The parent, guardian or UHY, with the assistance of the homeless liaison, or designee, will initiate the state appeal process by submitting a completed McKinney-Vento Act Written Explanation of Eligibility or School Selection of Enrollment Dispute Decision Form, and other related documentation, to the state coordinator. The LEA homeless liaison also will submit documentation of the local dispute resolution effort.

When the state coordinator, or designee, receives an appeal, he or she shall:

- inform the parent, guardian or UHY and the homeless liaison that an appeal has been received;
- review records and information provided by the appealing parent, guardian or UHY and the LEA; and
- provide the parent, guardian or UHY and the homeless liaison with a determination of eligibility after receiving the dispute notification (s.722(g)(1)(C)).

*MVA eligible schools include the child's or youth's school of origin, the school for which they are zoned for where they are staying at the time of enrollment, or 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 (s.722(g)(3)(A)(ii) and (iii)).

MVA ELIGIBILITY: DEFINITIONS AND AREAS OF DISPUTE

Eligibility Related McKinney- Vento Act Provisions	S.725 Definitions (2) The term 'homeless children and youths'-- (A) means individuals who lack a fixed, regular, and adequate nighttime residence . . .; and (B) 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 for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).
Criteria for MVA Eligibility	<i>Eligibility disputes are based on the MVA definition of homeless (s.725(2)):</i> A homeless child or youth lacks a nighttime residence that is: • “fixed,” i.e., stationary, permanent, and not subject to change; • “regular,” i.e., predictable, available on a routine or consistent basis (such as a lease or utilities in his or her name); and • “adequate,” i.e., sufficient to meet the physical and psychological needs typically met in a home.
Federal Guidance Resources	1. National Center for Homeless Education (https://nche.ed.gov/) 2. Issue Brief: <i>Determining Eligibility for Rights and Services Under the McKinney-Vento Act</i> (https://nche.ed.gov/downloads/briefs/det_elig.pdf) 3. U.S. Department of Education ESSA, Title IX, Part A, Non-Regulatory Guidance: (https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716updated0317.pdf)

RECOMMENDED SCHOOL-LEVEL PRACTICES FOR DETERMINING MVA ELIGIBILITY

TIMELINE: ONE DAY

RECOMMENDED SCHOOL REGISTRAR PRACTICES FOR MVA ELIGIBILITY

- ☐ When a student is being withdrawn from your school, use your discretion to determine if it may be because they lost their housing and may be eligible for McKinney-Vento Act benefits and services.
- ☐ Ask all parents or unaccompanied youth (UY) who are registering or enrolling to complete a student housing questionnaire (see sample SHQ; in Appendix). Ask parents of current students or UY who have been newly identified during the school year as possibly experiencing homelessness to complete an SHQ.
- ☐ If parents or UHY are hesitant to complete the questionnaire, explain that this information will assure that his or her child or self will receive all of the benefits for which they qualify while the family stabilizes housing. Avoid using the term “homeless.” Instead, use a less stigmatizing term, such as “in transition.”
- ☐ If not already provided in the enrollment packet, request contact information for the parent, guardian or UHY (nothing in the Act prohibits an LEA from requiring a parent or guardian of a homeless child or youth to submit contact information per s.722(g)(3)(H)). For MVA purposes, however, a phone number is adequate. If he or she does not have an address, ask where the child or youth slept last night.
- ☐ If MVA eligibility is claimed or indicated, notify the school’s homeless contact.

In most cases, when documentation is not readily available to determine enrollment eligibility, information collected via interview is adequate to determine if a child or youth likely meets the published eligibility criteria of a school, education program, or extracurricular activity. They can be enrolled and participate immediately pending receipt of full documentation. When necessary, contact your LEA’s homeless liaison for assistance.

RECOMMENDED SCHOOL HOMELESS CONTACT PRACTICES FOR MVA ELIGIBILITY

- ☐ Provide written information to the parent, guardian or UHY in a manner that they can understand (s.722(g)(3)(B)(iii)) about the provisions of the MVA (usually in the form of a brochure):
 - the educational rights of children and youth who qualify for MVA benefits
 - the right to appeal, if they disagree with the school’s determination of eligibility
- ☐ Review the SHQ and, as necessary, ask the parent, guardian or UHY for additional information to determine MVA eligibility.

When SHQ responses indicate that the child or youth is **LIKELY** MVA eligible:

- ☐ Per the LEA’s homeless student reporting process, notify the homeless liaison and let the liaison know if the student is unaccompanied.
- ☐ If your school is an MVA-eligible school for this student, immediately enroll and assign the student to classes. If your school is not an MVA-eligible school for the student, notify the homeless liaison and refer to the Enrollment or School Selection section of *The Guide*.
- ☐ Once student eligibility is confirmed by the LEA’s designated homeless liaison:
 - arrange school of origin transportation, if applicable and if requested by the parent, guardian or UHY;
 - assist in securing enrollment-related documents for newly enrolling students;
 - make sure the school’s food services manager knows that the student is enrolled in the Free Lunch Program;
 - provide school supplies; and
 - begin to identify and remove other barriers to regular attendance, full participation and academic achievement.

The LEA should ensure that all decisions and notices are drafted using language and formatting appropriate for low-literacy, limited vision readers, and individuals with disabilities. For children and youth and/or their parents or guardians who are English learners or whose dominant language is a language other than English, LEAs must provide translation and interpretation services in connection with all stages of the dispute resolution process, consistent with the requirements of the Equal Educational Opportunities Act and Title VI of the Civil Rights Act of 1964.

MVA - eligible schools include the child’s or youth’s school of origin, the school for which they are zoned for where they are staying at the time of enrollment, or 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.

When the SHQ responses indicate that the child or youth is **NOT LIKELY** to be MVA eligible and the parent, guardian or UHY believes their child or the youth is eligible:

- ☐ Provide to the parent, guardian or UHY an explanation and justification (see sample forms in Appendix) of the determination of ineligibility based on the MVA definition of homelessness. Answer their questions and, unless they disagree, move forward in the placement process according to LEA policy.

When the parent, guardian or UHY disagrees with a determination that the student is not MVA eligible:

- ☐ Refer the case to the LEA’s homeless liaison, providing a description of the case and the steps taken.
- ☐ Note the Date of Referral.

RECOMMENDED LEA-LEVEL PRACTICES FOR DETERMINING MVA ELIGIBILITY

TIMELINE: TWO DAYS*

- ☐ Talk to school staff regarding their initial assessment of eligibility per the provisions of the MVA. Take notes and confirm that your notes accurately reflect the rationale of the school staff.
- ☐ Review available case documentation provided by the school and consult with other relevant school and district staff as needed.
- ☐ Assure that staff recommended actions align with the provisions of the MVA and the LEA's homeless students policy regarding eligibility, and, if not, discuss with staff. If these corrections resolve the disagreement, then discontinue the dispute resolution process.
- ☐ Interview the parent, guardian or UHY regarding his or her eligibility rationale. Take notes and confirm that your notes accurately reflect the thoughts of the parent, guardian or UHY.
- ☐ Correct apparent parent, guardian or UHY misunderstanding of MVA provisions.
- ☐ If these corrections resolve the disagreement, then discontinue the dispute resolution process and continue per the resolution.
- ☐ If the disagreement continues, notify the school or LEA program to conduct a best interest analysis and prepare a written notice of determination for the parent, guardian, or UHY regarding the school's decision and the rationale for that decision (based on the MVA definition of homeless).

At any point in the process, the homeless liaison may request technical assistance from the State Coordinator. The parent or guardian or UHY may participate in a telephone call.

If the parent, guardian or UHY and school agree to abide by the homeless liaison's recommendation,

- ☐ Proceed according to the determination in a manner that assures little or no missed classroom time for the student.

If the parent, guardian or UHY or school does not agree with the homeless liaison's recommendation,

- ☐ Explain that the parent, guardian or UHY may appeal to the state coordinator for a final determination, and that they need to quickly initiate an appeal, verbally or in writing, and prepare a rationale for their child's or youth's eligibility.
- ☐ Explain that the parent, guardian or UHY can engage advocates to assist them in the preparation of an appeal and that the homeless liaison is available to assist in processing the appeal.
- ☐ When the parent, guardian or UHY files an appeal, 1) prepare and submit the appeal and related documentation by email to the state coordinator, and 2) attach the final local determination statement with the explanation given to the parent, guardian or UHY; related documents and contact information for the homeless liaison and parent, guardian or UHY; and provide copies of documents submitted to the parent, guardian or UHY.
- ☐ Enroll or place the child or youth immediately in the MVA-qualified school desired by the parent, guardian or UHY.

Date of enrollment: _____.

* Note that a child experiencing homelessness at enrollment in a choice school is eligible for transportation per LEA policy for that school (many LEAs do not provide transportation as part of their choice program); transportation to and from school remains the parent's responsibility unless otherwise stipulated in the school district's policies and procedures. When a student becomes homeless while enrolled in a choice school, the choice school becomes the student's school of origin and the student is eligible for transportation to and from the school and it is arranged or provided by the LEA (s.722(g)(1)(J)(iii)).

STATE-LEVEL MCKINNEY-VENTO DISPUTE RESOLUTION PROCESS FOR MVA
ELIGIBILITY

TIMELINE: FIVE SCHOOL DAYS

The State Coordinator (SC) will:

- ☐ Inform the homeless liaison and the parent, guardian or UHY that an appeal has been received;
- ☐ Review the records and information submitted by the LEA and parent, guardian or UHY;
- ☐ Prepare the State Coordinator's Recommendation and Written Explanation;
- ☐ Provide the family and the homeless liaison with the final determination; and
- ☐ Note date of the final determination.

[†]State coordinator is the director of the Homeless Education Program or, if that position is vacant, the person designated by the chief of the Bureau of Federal Educational Programs.

MVA SCHOOL SELECTION OR ENROLLMENT: DEFINITIONS AND AREAS OF DISPUTE

School Selection Related MVA Provisions	• An MVA-eligible child or youth may enroll 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 such as a magnet school, career and technical education program, virtual school, charter school, etc., as well as summer school, advanced placement, online learning, and school-sponsored clubs and athletics. s.722(g)(3)(A)(ii) and s.722(g)(1)(F)(iii) • An MVA-eligible child or youth has the right to be enrolled in the school of origin (the school the child or youth was attending when he or she was last permanently housed or the last school attended), including a preschool (s.722(g)(3)(I)(i)). • In determining the best interest of the child or youth, the LEA shall presume that keeping an MVA-eligible 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 parent, guardian or UHY. s.722(g)(3)(B)(i) • The MVA-eligible school selected by the parent or guardian or UHY is the school the child will go to unless the school or LEA can convince the parent or guardian or UHY that the school or LEA's preferred placement is in the child's or youth's best interest. s.722(g)(3)(B)(i) • Consider student-centered factors when determining what is in an MVA-eligible child's or youth's best interest. s.722(g)(3)(B)(ii) • The term "Receiving School" applies when the homeless child or youth completes the final grade level served by the school of origin as defined in s.722(g)(3)(I)(i) and the school of origin is now the designated receiving school at the next grade level for all feeder schools (s.722(g)(3)(I)(ii)). • The terms "enroll" and "enrollment" include attending classes and participating fully in school activities. s.725(1) • The selected school will immediately enroll an MVA-eligible child or youth, even if they are unable to produce records normally required for enrollment, e.g., previous academic records, records of immunization or other health records, proof of residency, or other documentation (s.722(g)(3)(C)(i)(I)) or have outstanding fees or fines (s.722(g)(1)(I)). • While the MVA requires a parent or guardian of a homeless child or youth to submit contact information (s.722(g)(3)(H)), for MVA purposes, a phone number is adequate. Nothing in the MVA prohibits a school or an LEA from asking about a homeless student's current accommodations, but an address cannot be required.
Decisions that are Disputable	<i>The LEA's "best interest" school placement determination is different from the placement choice of the parent, guardian, or unaccompanied homeless youth.</i> Eligible placement choices (s.722(g)(3)(A)): • School of origin: school which the student was attending when he or she became homeless or the last school attended before becoming homeless. • Zoned school: any public school that non-homeless students who live in the attendance area in which the homeless child or youth is actually living are eligible to attend. • Choice School: school which other children or youth residing in the area of the address at which the homeless student is staying are eligible to attend, e.g., school under the LEA's school choice program, magnet school, charter school, virtual school, or career and technical education program.* <i>Enrollment or participation in a school, educational program, or extracurricular activity is denied, even when the child or youth can be shown to have:</i> • been homeless, in that LEA's county, during the school's, or program's, application period, and missed the deadline (s.722(g)(3)(C)(i)(II)). • met the enrollment criteria for the desired school or program (s.722(g)(6)(A)(iii)); this also applies to advanced placement, online classes, extracurricular activities, etc. (s.722(g)(1)(F)(iii)). • not provided all enrollment documentation within 30 days (the MVA does not include a time limit on completing the enrollment process due to the student's homeless situation). • owed outstanding fees or fines at a previous school that delayed obtaining certain required enrollment documents (s.722(g)(1)(I)).

FEDERAL GUIDANCE RESOURCES

Guidance Resources

1. National Center for Homeless Education
 Issue Brief: *Guiding the Discussion on School Selection (Updated Spring 2014)*
https://nche.ed.gov/wp-content/uploads/2018/10/sch_sel_checklist.pdf
 Issue Brief: *Immediate Enrollment Under McKinney-Vento: How Schools Can Keep Homeless Students Safe*
https://nche.ed.gov/wp-content/uploads/2018/10/safe_sch.pdf
 Issue Brief: *Ensuring Full Participation in Extracurricular Activities for Students Experiencing Homelessness*
https://nche.ed.gov/wp-content/uploads/2018/10/extra_curr.pdf
2. U.S. Department of Education
 ESSA, Title IX, Part A, Non-Regulatory Guidance:
<https://www2.ed.gov/policy/elsec/leg/essa/160240cheyguidance072716updated0317.pdf>
3. *Best Interest Guide for School Selection* (see Appendix)

* Note that, per the MVA, a child experiencing homelessness at enrollment in a choice school is eligible for transportation per LEA policy for that school (many LEAs do not provide transportation as part of their choice program). A choice school for a student who becomes homeless while attending that school becomes the student's school of origin and the student is eligible for transportation to and from the school – arranged or provided by the LEA (s.722(g)(1)(J)(iii)).

RECOMMENDED SCHOOL-LEVEL HOMELESS CONTACT PRACTICES FOR MVA SCHOOL SELECTION OR ENROLLMENT

TIMELINE: ONE SCHOOL DAY

- ☐ Make sure the child or youth is MVA eligible.
- ☐ Ask the parent, guardian or UHY for additional information to determine which schools the homeless child or youth is eligible to attend per the MVA.*
- ☐ Provide written information to the parent, guardian or UHY, in a manner they can understand (s.722(g)(3)(B)(iii)), about relevant provisions of the MVA:
 - the educational rights of children and youth who qualify for MVA benefits; and
 - the right to appeal, if they disagree with the school's determination of eligibility.
- ☐ Notify the LEA's homeless liaison and let the liaison know if the student is a UHY.
- ☐ Inform the parent, guardian or UHY that the student may 1) continue to attend their school of origin, 2) immediately enroll in the child's or youth's current zoned school, or 3) enroll in public schools for which other students in that zone are eligible to attend. If your school does not qualify, based on the information you have been provided, notify the parent, guardian or UHY and provide them with the address and phone number of the qualifying schools and the contact information for the LEA's homeless liaison.
- ☐ If your school qualifies as an MVA-eligible school for this student, make an initial determination of which eligible school is likely to be in the student's best interest, notify the parent, guardian or UHY of the enrollment determination, and ask if they have any questions. Answer their questions.

When unsure whether the placement sought by the parent or guardian or UHY is in the child's or youth's best interest, use the attached *McKinney-Vento Act Best Interest Determination for School Placement Worksheet* and share that information and have a discussion with the parent or guardian or UHY.

Ensure that all decisions and notices are drafted using language and formatting appropriate for low-literacy, limited vision readers, and individuals with disabilities. For children and youth and/or their parents or guardians who are English learners or whose dominant language is a language other than English, LEAs must provide translation and interpretation services in connection with all stages of the dispute resolution process, consistent with the requirements of the Equal Educational Opportunities Act and Title VI of the Civil Rights Act of 1964.

A parent or UHY may also dispute the student's denial of enrollment and participation in a program or extracurricular activity. When a homeless student is otherwise eligible to participate in the program or activity, they must be treated as any non-homeless student who qualifies to

McKinney-Vento enrollment is immediate (the day enrollment is sought) and includes being assigned to and attending classes or education-al programs, extracurricular activities, or school activities for which they

When a choice school is selected, determine if the child or youth qualifies for enrollment or requires an accommodation to enroll such as:

- ☐ they were staying in your county, but missed the enrollment deadline, because they were homeless during the application period and did not receive notice of the application period. Accept the enrollment application and consider the child's or youth's selection for enrollment as if the application had been submitted on time.
- ☐ not all enrollment documents are immediately available (cannot deny enrollment due to lack of documentation).
- ☐ had outstanding fees or fines that delayed obtaining certain required enrollment or qualifying documents (cannot deny enrollment due to outstanding fines).

When the parent, guardian or UHY and the school AGREE on the school:

- ☐ Ensure that the child or youth is immediately enrolled in the school or program and assign the student to classes.
- ☐ When the selected school is the student's school of origin, determine if the student is eligible for school of origin transportation and inform the parent, guardian or UHY of that eligibility.

When the parent, guardian or UHY and the school DISAGREE on the school selection or enrollment:

- ☐ Refer the case to the LEA's homeless liaison, providing a description of the case and the steps taken.
- ☐ Provide written information to the parent, guardian or UHY and review with them, in a manner that they can understand (usually in the form of a brochure):
 - the educational rights of children and youth who qualify for MVA benefits, including their right to remain at their school of origin with transportation, if requested by the parent, guardian or UHY, and if it is in the student's best interest; and
 - the right to appeal, if they disagree with the school's determination of eligibility.
- ☐ Note the date of referral.

*Eligible schools for homeless students to enroll or attend: School of origin, zoned school for where the child or youth is actually living, magnet, charter, or other public schools that other children living in the attendance zone of the school for where the child or youth is actually living are eligible to attend (and they meet enrollment qualification, if any, and the enrollment would not put the school in jeopardy of breaking a state or federal capacity law), or a public virtual school. (ESSA, Title IX, Part A, s.722(g)(3))

RECOMMENDED LEA-LEVEL HOMELESS LIAISON PRACTICES FOR MVA SCHOOL SELECTION OR ENROLLMENT

TIMELINE: TWO SCHOOL DAYS

- ☐ Confirm that the school selected by the school staff and the parent, guardian or UHY is considered an eligible MVA school. If necessary, contact the parent, guardian or UHY or school contact to make sure they understand the choices. If this resolves the disagreement, then discontinue the dispute resolution process and proceed accordingly.
- ☐ Talk to school staff regarding their initial assessment of school placement per the best interest provisions of the MVA (see *McKinney-Vento* Best Interest Determination for School Placement Worksheet in Appendix); take notes and confirm that your notes accurately reflect the rationale of the school staff.
- ☐ Review available case documentation provided by the school and consult with other relevant school and district staff, as needed.
- ☐ Assure that staff recommended actions align with the provisions of the MVA and the LEA's homeless students policy regarding eligibility, and, if not, discuss with staff. If these corrections resolve the disagreement, then discontinue the dispute resolution process.
- ☐ Talk to the parent, guardian or UHY regarding their school selection rationale. Take notes and confirm that your notes accurately reflect the thoughts of the parent, guardian or UHY.
- ☐ Correct any apparent parent, guardian or UHY misunderstanding of MVA provisions. If these corrections resolve the disagreement, then discontinue the dispute resolution process and continue per the resolution.

Be sure that both parties understand that 1) the MVA "presumes" that keeping the child in the school of origin is in the best interest of the child and 2) the child or youth will be enrolled in the eligible school selected by the parent, guardian or UHY for the duration of the Dispute Resolution Process.

If, at any point after initially wanting to dispute the homeless liaison's determination, the parent, guardian or UHY decides not to continue the dispute, carry out the LEA's recommendation.

If the parent, guardian or UHY and school AGREE on the school placement:

- ☐ Proceed according to the determination in a manner that assures little or no missed classroom time for the student.

If the parent, guardian or UHY or school DO NOT AGREE with the homeless liaison's determination:

- ☐ If the disagreement continues, instruct the school or LEA program to conduct a best interest analysis (see Appendix A) and prepare a written notice of determination for the parent, guardian or UHY regarding the school's decision and the rationale for that decision (see Appendix B).
- ☐ Provide a dated written notice (see Appendices) of the final local school selection determination and explain to the parent, guardian or UHY in a language and manner that the parent, guardian or UHY can understand.
- ☐ Complete additional local appeals per the LEA's MVA dispute resolution process.

When all local appeals have been exhausted:

- ☐ Explain that the parent, guardian or UHY may appeal to the State Coordinator for a final determination and that they need to notify you, verbally or in writing, and prepare a verbal or written rationale for how their school selection is in their child's or youth's best interest; explain that the parent, guardian or UHY can engage advocates to assist them in the preparation of an appeal and that the homeless liaison is available to assist in preparing their appeal.
- ☐ If they choose not to pursue the appeal, then proceed per the school's or program's determination.
- ☐ When the parent, guardian or UHY files an appeal, prepare and submit the documentation by email to the State Coordinator; attach the final local determination statement with the explanation given to the parent, guardian or UHY, related documents, and contact information for the homeless liaison and parent, guardian or UHY; and provide copies of submitted documents to the parent, guardian or UHY, and provide the parent, guardian or UHY with the State Coordinator's contact information.
- ☐ Enroll or place the child or youth immediately in the parent's or UHY's desired MVA-eligible school.
- ☐ Note the date of enrollment.

STATE-LEVEL DISPUTE RESOLUTION PROCESS FOR MVA SCHOOL SELECTION OR ENROLLMENT

TIMELINE: FIVE SCHOOL DAYS

The State Coordinator (SC) will:

- ☐ Inform the homeless liaison and the parent, guardian or UHY that an appeal has been received;
- ☐ Review the records and information submitted by the LEA and parent, guardian or UHY;
- ☐ Prepare the State Coordinator's Recommendation and Written Explanation;
- ☐ Provide the family and the homeless liaison with the final determination; and
- ☐ Note date of the final determination.

[†]State coordinator is the director of the Homeless Education Program or, if that position is vacant, the person designated by the chief of the Bureau of Federal Educational Programs.

APPENDICES: DISPUTE RESOLUTION RELEVANT FORMS

Appendix A

Directions for Completing the McKinney-Vento Act Written Explanation of Eligibility or School Selection or Enrollment Dispute Decision

Under the McKinney-Vento Act (MVA) as amended by the *Every Student Succeeds Act* (Title IX, Part A, of P.L.114-95), issues may be disputed and must be documented with a written explanation whenever there is a disagreement between the school and a parent or guardian or unaccompanied homeless youth (UHY) who is seeking MVA rights and services:

- Eligibility –a parent or guardian or UHY claims homelessness, per s.725(2), and the school disputes that the living situation meets the McKinney-Vento definition; and
- School Selection or Enrollment – per s.722(g)(3)(A)(ii) and (iii), the parent, guardian or UHY and school disagree about which school the student should attend:
 - a school of origin;
 - the school of residency; or
 - another school that students in the attendance area are eligible to attend.

The written explanation form provides the basic information that should be included. To complete the form:

- Check the box for confirming the dispute of eligibility or school selection or enrollment (only one box can be checked).
- Add the name of the person to whom you are providing the explanation and the student(s) included in the decision.
- Explain the reasoning for the determination. For the dispute of eligibility, explain why the living situation does not meet the MVA definition, including any facts, witnesses and evidence relied upon and their sources. For a dispute of school selection or enrollment, explain which placement is in the student's best interest.
- Include a date by which the parent, guardian or UHY must notify the liaison that an appeal is desired. This should be based on your local dispute resolution process.
- Provide the name and contact information for the liaison and the person completing the form, if different.
- If the parent or guardian or UHY has access to email, the notice should be provided electronically and followed by a written explanation provided in person or sent by mail.

This form can be modified to ensure that all decisions and notices are drafted using language and formatting appropriate for low-literacy or limited-vision readers, individuals with disabilities, and English language learners.

When the liaison receives an appeal, provide the local dispute resolution process and the appropriate state dispute resolution process to the parent, guardian or UHY. If the appeal is done verbally, complete the second page of the McKinney-Vento Act Written Explanation of Eligibility or School Selection or Enrollment Dispute Decision form for the person appealing. Provide the state coordinator with copies of the written explanation and appeal, subsequent correspondence, and a copy of the LEA's school choice policy, if the "Another school" box is checked, to ensure the state coordinator has the information needed to assist should the decision be appealed to the state level.

Appendix A

School District/LEA's Name McKinney-Vento Act

Written Explanation of Eligibility or School Selection of Enrollment Dispute Decision

Date of School District/LEA's Determination: _____

This notice is provided to:

Name of Parent, Guardian or Unaccompanied Homeless Youth (UHY): _____

Names of Student(s) for this determination: _____

In compliance with s.722(g)(3)(B)(iii) and 722(g)(3)(E) of the McKinney-Vento Act (MVA) as amended by the *Every Student Succeeds Act* (Title IX, Part A of P.L.114-95), the following written notification addresses denial of a request for (check one):

- ☐ Eligibility: The student's living situation does not meet the homeless definition in the MVA for related services and benefits.
- ☐ School Selection: The school or school district determined that immediate enrollment in the following school is not in the best interest of this child or youth (check one):

Name of school of origin: _____

Name of school of current residency: _____

Name(s) of other school(s) that students in the attendance area are eligible to attend:

This determination was based upon:

Determination Implementation Date: _____

You have the right to appeal this decision to the school district's homeless liaison. To initiate the dispute process, submit the second page of this notice to the school district's homeless liaison or contact the liaison by phone on or before the Determination Implementation Date noted above. The liaison will provide you with the details of the dispute resolution process, once an appeal is made.

Homeless Liaison's Name: _____

Title: _____

Phone Number: _____ Email: _____

Person Completing Form: _____

Title: _____

School: _____ School District: _____

A copy of this form was provided to me: _____

Signature of Parent, Guardian or UHY

Date

Appendix A

School District/LEA's Name

McKinney-Vento Act

Written Explanation of Eligibility or School Selection of Enrollment Dispute Decision

If you disagree with this determination:

- Make an appeal to the school district's homeless liaison verbally or in writing, exercising the listed student's right to enroll immediately in the school of selected by the parent, guardian or UHY (based on options provided in the MVA), pending resolution of the dispute.
- Explain your disagreement verbally or in writing by completing this form.
- Notify the homeless liaison if you are an English language learner, use a native language other than English, or need additional support because of a disability.
- You may seek the assistance of others in explaining your case.
- You may contact the Florida Department of Education State Coordinator for the Education of Homeless Children and Youths at 850-245-0479 or FLMVP@fldoe.org to discuss this determination.

The information below should be completed by the parent or guardian, or unaccompanied homeless youth, with assistance, if necessary, to begin an appeal if there is disagreement with the determination.

This information may be shared by completing this form or speaking with the homeless liaison.

1. Date the homeless liaison was contacted to initiate the appeal: _____
☐ by phone ☐ in person ☐ by email ☐ dropped off at the liaison's office
☐ other (explain): _____
2. Name(s) of Student(s): _____
3. Person Completing Form: _____
4. Relationship to Student(s): _____
5. I may be contacted at (phone or email): _____
6. I wish to appeal the decision made by _____ (name of school or program).
7. I have been provided with (check all you have received):
☐ a written explanation of the school placement determination
☐ contact information for the local homeless liaison
☐ information about the MVA appeals process
8. Provide a written explanation in this space to support your appeal (attach additional pages, if necessary):

Respectfully submitted,

Signature of Parent, Guardian or UHY

Date

Page 2 of 2

McKinney-Vento Act Best Interest Determination for School Placement Worksheet

Name(s) of Student(s): _____ Date: _____

Name of Parent or Guardian: _____ Phone #: _____

Address: _____

Person completing the worksheet: _____ Phone #: _____

Individuals consulted while making this best interest determination for school placement: _____

Housing Stability: Housing History Table

1. What is the history of student's housing? When was housing originally lost? What were the circumstances? What are the barriers to maintaining housing; (e.g., history of evictions, multiple doubled-up arrangements)?	
2. Based on the knowledge of the family's or unaccompanied homeless youth's (UHY) situation, how long is it likely that the family or youth will remain at the current residence?	
3. What is the likelihood that this family or UHY will once again establish residency in the attendance area of the school of origin?	

Education Stability: Education History Table

Prior School(s) and School District(s)	Grade Level(s)	Dates of Attendance	Living Arrangement at the Time

Placement Determination/Preference Table

	Placement Determination/Preference	Rationale
School and LEA		
Parent or Guardian or UHY		

If, after considering this information, a disagreement on school placement remains, conduct a full best interest analysis.

Appendix C

Checklist for Comparing School Selection Options for Homeless Children and Youth

In each row of the table below, check the box that best reflects the circumstances of the child or youth. At the bottom of the form, and on the back if necessary, provide details for the best interest profile. Share the completed checklist with the parent, guardian or UHY and answer their questions.

School of Origin (SOO) Considerations		Other MVA-Eligible School Considerations	
☒	Presumption that remaining in SOO is in student's best interest.		
☐	Parent prefers to enroll student in the SOO.	☐	Parent prefers to enroll student in zoned school.
☐	Student attended the SOO for at least one full school semester.	☐	Student attended the SOO for less than one full school semester.
☐	School year is in the 2nd semester.	☐	School year is in the 1 st semester.
☐	Student has siblings who are enrolled in the SOO.	☐	Student has siblings who are enrolled in the zoned school.
☐	Student has strong, positive peer attachments.	☐	Student has few positive peer attachments.
☐	Student has strong attachments to teachers or other school staff.	☐	Student has poor or few attachments to teachers or other school staff.
☐	Student has a record of good academic performance at SOO.	☐	Student has a record of poor academic performance at SOO.
☐	Student has a record of less than 10% days absent at SOO.	☐	Student has a record of more than 10% days absent at SOO.
☐	Student has a record of no or low discipline incidents at SOO.	☐	Student has a record of moderate or frequent discipline incidents at SOO.
☐	School curricula are different or at a significantly different pace at zoned school.	☐	School curricula are the same or similar and at a similar pace at SOO.
☐	Zoned school does not offer all classes student needs to graduate, but SOO does.	☐	Zoned school offers classes student needs to graduate.
☐	Student is involved in special programs at the SOO that are not offered at the zoned school.	☐	Student is involved in special programs at the SOO that are also offered at the zoned school.
☐	Student has a record of low housing stability.	☐	Student has a record of high housing stability.
☐	Estimated travel time is within state age-adjusted standards.	☐	Estimated travel time is longer than state age-adjusted standard.
☐	Specific safety concerns exist related to zoned school attendance.	☐	Specific safety concerns exist related to continued SOO attendance.

Notes:

School District
Logo

Student Housing Questionnaire (Sample)

The answers to this housing questionnaire help in determining eligibility of services that may be provided through the federal McKinney-Vento Act, 42 U.S.C 11435. For more information, contact the [name of district homeless education program] at [phone number, email, and/or web address].

School: _____ Date: _____

1. Where are you and your family currently staying at night? (only check one box):

- ☐ Rent or own my own house, condo, apartment or other permanent residence
- ☐ Living with someone else by choice in a house or apartment that properly accommodates all residents
- ☐ Staying somewhere temporarily

Temporary living situation (only check one box):

- ☐ We are temporarily staying with another family member or friend
- ☐ We are staying in a motel or hotel
- ☐ We are sleeping in a vehicle or staying in a trailer park or campground, or in an abandoned building, or other substandard housing
- ☐ We are staying in an emergency or transitional shelter
- ☐ If the above do not apply, describe where the student most recently spent the night: _____

Cause of temporary living situation (only check one box):

- ☐ Economic hardship or other circumstances that resulted in foreclosure, eviction, or inability to obtain a residence at this time
- ☐ Lost our housing due to a Natural Disaster (hurricane, flood, fire, etc.) and have no place else to go
- ☐ Lost our housing due to a Manmade Disaster (mold, poison gas release, domestic violence, etc.) and have no place else to go
- ☐ Recently moved to the area and are looking for a place to buy or rent
- ☐ Recently sold residence or lease ended and looking for a place to buy or rent
- ☐ Repairing or remodeling current residence
- ☐ If the above do not apply, describe the cause of your temporary living situation: _____

The enrolling student is (check one):

- ☐ Staying with a parent or legal guardian
- ☐ Not staying with a parent or legal guardian, but staying with an adult that is not a parent or legal guardian
- ☐ Not staying with a parent or legal guardian and not staying with an adult who is acting as the student's parent as defined in s. 1000.21(5), Florida Statutes.
- ☐ Other (explain): _____

NOTES: