



NATIONAL ASSOCIATION FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

**The McKinney-Vento Act
As Amended by the Every Student Succeeds Act of 2015**

Scenario 1

It is November 14, 2016. Sam is a 17-year old senior at McKinney High School. He is staying temporarily with friends in the district and enrolled in McKinney on the first day of school as an unaccompanied youth. Sam missed a lot of school last year, and he is behind on credits. But he has been working hard so far at McKinney, showing a strong focus to graduate and attend college. If he sticks with it, and with some partial credits from last year, he will be able to graduate in May. Sam has made friends and bonded with his school counselor.

Sam's father came to McKinney yesterday to meet with you. He wants Sam to return to his school of origin, which is just a few blocks away from the father's house. He also wants Sam to return to his home as soon as possible. He said the school of origin is better for Sam because it is close to his home and has a strong credit recovery program, and Sam's only been at McKinney for a few weeks. Regardless, he is demanding that you withdraw Sam from McKinney so he can enroll him back in his neighborhood.

1. Under McKinney-Vento, whose wishes receive priority in making best interest determinations for unaccompanied youth?
2. On balance, which school do you think is in Sam's best interest?
3. What process do you need to follow with Sam's father?
4. How can Sam's counselor work with the previous school district to award Sam partial credits for coursework he completed last year?
5. Can the school district liaison submit a letter to the financial aid office of the local college stating that Sam is an unaccompanied homeless youth? What if Sam has unpaid fines from last school year, and school district policy prohibits releasing any school records to colleges for students with outstanding fines?
6. Can Title IA funds be used to pay for Sam to participate in an on-line credit recovery program?



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Scenario 2

It is November 14, 2016. Brittany attends Vento school district's preschool program. She and her mother were evicted from their apartment last week. With no family shelter in the community, Brittany and her mother are staying with an ex-boyfriend in a neighboring school district. The new district does not have a preschool program.

1. Can Brittany continue attending Vento's preschool? What factors must be considered?

2. Does Brittany have the right to transportation to Vento's preschool? What are some strategies to provide her with appropriate transportation?

3. Now suppose conditions in the ex-boyfriend's home deteriorate, and in January, Brittany's mother sends her to live with a cousin 100 miles away. The cousin's school district has a preschool program, but the enrollment deadline for the new semester was December 1.
 - a) Can Brittany enroll in the preschool?
 - b) Who can enroll Brittany in the preschool?
 - c) Can Brittany attend preschool while the preschool is waiting to receive her immunization records?
 - d) If the preschool has a breakfast and lunch program, can Brittany receive free meals?

Scenario 1 Answer Key

1. The wishes of the unaccompanied youth.

2. Factors in favor of local school (McKinney): Sam missed a lot of school last year; he has been working hard so far at McKinney, showing a strong focus to graduate and attend college; he will be able to graduate in May; he has made friends and bonded with his school counselor; Sam wants to stay at McKinney.

Factors in favor of school of origin: He attended there last year; it is close to his home and has a strong credit recovery program; Sam's only been at McKinney for a few weeks; there is a presumption in favor of the school of origin (but it is subject to the unaccompanied youth's wishes).

3. Explain the McKinney-Vento Act to him, explain that the school must give priority to Sam's wishes, explain why McKinney High School is in Sam's best interest. Give Sam's father written information about the Act, the best interest decision, and how schools must treat unaccompanied youth. If necessary, connect Sam's father with the school principal or district administrator to resolve conflict. The school could provide Sam's father with written notice of its decision and information about how to appeal. However, the McKinney-Vento Act empowers Sam to dispute the decision as an unaccompanied youth. The Act does not clearly give his father that right. If the father does dispute the decision, Sam must remain enrolled in McKinney while the dispute is pending, because that is the school Sam wishes to attend.

4. Sam's counselor should call the counselor at the previous school to get information about how many days Sam attended, how much progress he made, and how many credits the school can award based on Sam's progress. That information may be available through a student data system or by speaking directly to Sam's teachers. Credits may need to be converted to adapt to different ways of calculating and awarding credits between the two school districts.

5. Yes. The McKinney-Vento Act requires that fees cannot be a barrier to Sam's enrollment and retention. Enrollment includes attending classes and participating fully in school activities. The McKinney-Vento Act requires the liaison to ensure Sam is informed of his status as an independent student and may obtain the liaison's assistance to receive verification of his status. Transferring Sam's records to college is a typical part of the activities undertaken in school on behalf of seniors. Also, if Sam cannot get assistance with his financial aid, he may lose hope of attending college and drop out of high school.

6. Yes.

Scenario 2 Answer Key

1. Yes. Vento school district's preschool program is Brittany's school of origin—in this case both the school attended when permanently housed and the school in which she was last enrolled. The LEA should confirm the mother wants Brittany to remain at Vento—the mother's request receives priority. The LEA must presume that remaining at Vento is in Brittany's best interest. In addition, the fact do not appear to change that presumption, because Brittany has no preschool option in the new school district and the commute appears safe for her (she is staying in a "neighboring school district").

2. Yes. The LEA should discuss transportation options with Brittany's mother. Some considerations include:

- Could Brittany's mother or her ex-boyfriend drive her to and from preschool with a gas voucher or mileage payment from the school?
- Are there other inter-district transportation measures already in place for preschool students, or preschool special education students (especially since the district where she's staying doesn't have a preschool)?
- Are there transportation plans in place for other students crossing these district lines, for regular or special education?
- Are there contracts or Memorandums of Understanding (MOUs) among the school districts or preschool transportation providers?
- Is there any public transportation available, and could Brittany's mother or her ex-boyfriend accompany Brittany to and from preschool?
- Are there other transportation services in the area that might be able to assist, such as transportation for Head Start, medical appointment transportation services, or other transportation provided by human services agencies or non-profit transportation services?
- Does the LEA have a contract in place with a cab company with drivers who are properly vetted and background-checked?

3. a) Yes. The McKinney-Vento Act requires immediate enrollment in any public school, including preschool, that children living in the same attendance area where Brittany currently is living are eligible to attend. That applies even though Brittany missed an enrollment deadline during her homelessness. The question will be whether the preschool program has space for Brittany. The McKinney-Vento Act does not require the preschool program to go over capacity. However, the preschool can enroll Brittany over capacity if consistent with state and local requirements, and it also can put Brittany at the top of the wait list.

b) Technically, Brittany is an unaccompanied youth, since she is not in the physical custody of a parent or guardian. While Brittany's mother can enroll her, if that presents a barrier to Brittany's immediate enrollment, the school district must find a way to get around that barrier. That could mean having the cousin enroll her, or allowing her mother to enroll her via telephone, with appropriate follow-up as soon as possible.

c) Yes. McKinney-Vento requires immediate enrollment while immunizations and other health records are obtained.

d) Yes. Brittany automatically is eligible for free school meals due to her homelessness. Her mother does not need to complete an application.