

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**  
**McKinney-Vento Homeless Education Assistance - Advisories**

The McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) ensures homeless children and youth have equal access to the same free and appropriate public education, including a public preschool education, as provided to other children and youths. It has most recently been reauthorized under the Every Student Succeeds Act of 2015 (ESSA).

The McKinney-Vento Act mandates a state coordinator in every state, a homeless education liaison in every school district, outlines the rights of homeless children and youth, defines homelessness, and requires collaboration and coordination across agencies and service providers. It also provides funding for a small competitive grant program for school districts enrolling a significant number of homeless children and youth

The Massachusetts Department of Elementary and Secondary Education (ESE) assists school districts in the implementation of the McKinney-Vento Act. This document is intended to advise school districts, homeless families, unaccompanied homeless youth, and homeless service providers on the following provisions of the law:

- I. [Definitions](#)
- II. [Homeless Education Liaison - Role and Responsibilities](#)
- III. [School Placement, Transportation and Enrollment](#)
- IV. [ESE McKinney-Vento Dispute Resolution Process](#)
  - a. [School District Notification to Parent/Guardian of Enrollment Decision Form](#)
  - b. [Parent/Guardian Appeal of School District Enrollment Decision Form](#)

Additional information, data, and resources are posted on the [ESE Homeless Education](#) webpage. ESE provides technical assistance and guidance via 781-338-3700 or [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu).

## I. Definitions

The following terms are defined in the McKinney-Vento Act:

**Homeless children and youths:** individuals who lack a fixed, regular, and adequate nighttime residence. It includes:

1. 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.
2. 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.
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 (as defined in section 1309 of the Elementary and Secondary Education Act of 1965, as amended) who qualify as homeless because they are living in circumstances described above.

**Enroll and enrollment:** attending classes and participating fully in school activities.

**School of origin:** the school the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, including a preschool. When a child or youth completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools.

**Unaccompanied youth:** a homeless child or youth not in the physical custody of a parent or guardian.

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## II. Homeless Education Liaison – Role and Responsibilities

The liaison, who may also be a coordinator for other federal programs must be able to carry out the following duties as described in the McKinney-Vento Act, and ensure that:

1. homeless students are identified by school personnel and through coordination with other agencies;
2. homeless students enroll in, and have full and equal opportunity to succeed in school and to meet the same challenging state academic standards as other students, and receive educational services for which they are eligible;
3. homeless families, children and youth have access to and receive educational services for which they are eligible, including Head Start, Even Start programs and preschool programs administered by the local educational agency;
4. homeless families, children and youth receive information and referrals for health care, dental services, mental health and other appropriate services in the community;
5. parents or guardians are informed of educational and related opportunities, such as access to school nutrition programs, available to their children, and are provided with meaningful opportunities to participate in the education of their children;
6. public notice of the educational rights of homeless students and the district's adopted Homeless Education Policy are disseminated where children and youth receive services such as schools, family shelters, food pantries, health clinics and where families, children, and youth are ordinarily informed of school policies such as student handbooks, school newsletters or school websites;
7. enrollment disputes are mediated and resolved;
8. parents, guardians, and unaccompanied youth are fully informed of all transportation services, including to and from the school of origin, and are assisted in accessing needed transportation services;
9. district staff providing services to homeless students receive professional development and other support;
10. unaccompanied homeless youth are enrolled in school, have opportunities to meet the same challenging state academics standards as other students, are informed of their status as independent students, and are provided with verification of that status for the Free

Application for Federal Student Aid (FASFA);

11. there is coordination and collaboration with the office of the state coordinator, the local community, service providers and school personnel providing education and related services to homeless families, children and youth;
12. reliable, valid, and comprehensive data is collected and reported to the state coordinator;  
and
13. upon receiving appropriate training, will provide homeless families, children, and youth who meet eligibility requirements for services from the Department of Housing and Community Development, verification of homelessness.

To fulfill these responsibilities, the homeless education liaison shall inform school personnel, service providers, and advocates of his/her duties and the provisions of the McKinney-Vento Act.

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### III. School Placement, Transportation, and Enrollment

Homeless students have the right to remain enrolled in their school of origin and receive transportation or immediately enroll in the school district where they are temporarily residing.

#### **School Placement**

School placement determinations must be based on the best interest of the homeless student. In making decisions regarding best interests, school districts must:

- Presume keeping the student in the school of origin until the end of the year in which the student obtains permanent housing is in the student's best interest except when doing so is contrary to the request of the parent, guardian or unaccompanied youth;
- Consider student-centered factors related to the student's best interest including factors related to the impact of mobility on achievement, education, health, and safety of homeless students, school placement of siblings, giving priority to the request of the parent, guardian, or unaccompanied youth

For homeless students who meet the relevant eligibility criteria, districts must remove barriers to accessing academic and extracurricular activities, including magnet schools, summer school, career and technical education, advanced placement, on-line learning, and charter school programs.

#### **Transportation**

School districts must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin. Furthermore:

- if the homeless student continues to live in the area served by the district in which the school of origin is located, that district must provide or arrange transportation if needed;
- if the homeless student moves to an area served by another district, though continuing his or her education at the school of origin, the district of origin and the district in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin; and
- if the districts cannot agree upon such a method, the responsibility and costs must be shared equally.

In addition, districts must provide transportation services to homeless students that meet Massachusetts state law and are comparable to those received by other students. Each school district's homeless education liaison must ensure that the parent or guardian of a homeless student, and any unaccompanied homeless youth, is fully informed, in the language of the home, of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school selected.

Students who have been homeless during the school year and become permanently housed have the right to remain enrolled in their school of origin with transportation if needed through the end of the school year (June).

### **Enrollment**

School districts must immediately enroll homeless students in school to provide educational stability and avoid separation from school for days or weeks while documents are located. Therefore, homeless education liaisons must ensure that:

- Students who chose to enroll in school where they are temporarily residing must be enrolled immediately, even if they do not bring the records usually required for enrollment with them;
- if a homeless student arrives without records, the previously attended school district is contacted and the required records requested;
- that homeless students are attending school while the records are being requested;
- districts remove barriers to homeless students receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school; and
- information about a homeless student's living situation shall be treated as a student education record and not be deemed to be directory information and therefore cannot be shared with the public including landlords.

ESE is aware that this requirement may constitute a departure with respect to school districts' enrollment policies. The immunization statute, G.L. c. 76§ 15, generally requires students to provide proof of immunization prior to enrollment. Since McKinney-Vento is a federal law, its requirements override the state immunization law. However, it should be noted that the immunization law allows, in the absence of a Department of Health declared epidemic or emergency, the enrollment of students who have not been immunized if they have religious objections to immunization. Moreover, the Department has consulted with the Department of Public Health (DPH) regarding this issue and DPH agrees that, in the absence of an emergency

or epidemic of disease, the health risk of enrolling homeless students prior to receiving proof of immunization is minimal.

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#### **IV. ESE McKinney-Vento Dispute Resolution Process**

The McKinney-Vento Act calls for “procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.”

##### **Reasons for Dispute**

If a dispute arises between the district and parent, guardian or unaccompanied homeless youth, the homeless education liaison must ensure that:

- the student be immediately enrolled in the school in which enrollment is sought pending a final resolution of the dispute, including all available appeals;
- the parent, guardian or unaccompanied homeless youth is provided with a written explanation of any enrollment decisions made by the district and be informed of the right of the parent, guardian or unaccompanied homeless youth to appeal the decision to ESE.

##### **Considerations**

Determinations regarding enrollment and the subsequent provision of transportation if necessary, must:

- Presume that keeping the student in the school of origin is in the student’s best interest, except when doing so is contrary to the request of the student’s parent or guardian or in the case of an unaccompanied youth, the youth; and
- Consider student-centered factors related to the student’s best interest including factors related to the impact of mobility on achievement, education, health, and safety of homeless students, giving priority to the request of the student’s parent or guardian or, in the case of an unaccompanied youth, the youth.

##### **Dispute Resolution Process**

In order to ensure the prompt resolution of disputes ESE has established the following McKinney-Vento Dispute Resolution Process:

- The dispute resolution process begins at the time a district denies the continued enrollment or right to enroll a homeless student in the school selected by the parent,

guardian or unaccompanied homeless youth.

- A student must be allowed to attend the school in which enrollment is sought and transportation provided (if needed) pending the resolution of the dispute.
- The homeless education liaison must:
  - provide notice of the denial to the parent, guardian, or unaccompanied youth on the day of the denial using the form prescribed by ESE (see [School District Notification of Enrollment Decision](#));
  - provide the parent, guardian, or unaccompanied youth with written notice in clear, easy-to-understand language detailing the dispute resolution process, informing the parent, guardian, or unaccompanied homeless youth of the right to appeal and the option to obtain independent information and counsel;
  - provide the prescribed form to be completed by the parent/guardian, or unaccompanied homeless youth should he or she decide to appeal the school district's enrollment decision. (See [Appeal of School District's Enrollment Decision](#));
  - assist the parent/guardian or unaccompanied homeless youth in promptly submitting an appeal to ESE in three school days with an extension of up to ten additional school days (please contact the Department's Problem Resolution System regarding an extension); and
  - if the district has not notified the parent of its enrollment decision or the parent's right to appeal that decision, the parent/guardian or unaccompanied homeless youth may initiate a dispute by contacting ESE.
- Following receipt of the district's denial form the appeal by the parent/guardian or unaccompanied homeless youth and any additional requested information, the Commissioner or the Commissioner's Designee shall promptly issue a decision usually in five to ten school days. The decision of the Commissioner or the Commissioner's Designee shall be final.

Note: ESE may provide technical assistance to either or both parties regarding the dispute, the dispute resolution process, the requirements of McKinney-Vento, and/or other applicable state and federal laws. Contact the Department's Problem Resolution System at 781-338-3700 or [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu)

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**IV a. School District Notification to Parent/Guardian of Enrollment Decision**

This form is to be completed when a school/district denies the school placement of a parent/guardian or unaccompanied homeless youth who is seeking to enroll in school under the McKinney-Vento Homeless Education Assistance Act (McKinney-Vento) and is required by the ESE McKinney-Vento Dispute Resolution Process in compliance with Section 722(g)(3)(E) of McKinney-Vento, this written notice of denial of eligibility, school selection or school enrollment is provided to:

Parent/Guardian: \_\_\_\_\_

Parent/Guardian contact Information: \_\_\_\_\_

\_\_\_\_\_

Student(s): \_\_\_\_\_

Is the student(s) on an Individual Education Plan (IEP)? *(Please circle or underline, or indicate with an X.)*

No.       Yes without transportation.       Yes with transportation.

After reviewing the request to enroll the above student(s), the school enrollment request is denied for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please attach any additional relevant information/documentation.

Person Completing Form: \_\_\_\_\_

School/district: \_\_\_\_\_ Date: \_\_\_\_\_

**You (the parent/guardian) have the right to appeal this decision by contacting the district's Homeless Education Liaison who will assist you in the appeal process.**

Liaison's Name: \_\_\_\_\_

Phone #: \_\_\_\_\_

In addition:

- Until the Commissioner of Elementary and Secondary Education, or the Commissioner's designee, makes a final decision regarding your appeal, the above student(s) will be allowed to attend the selected school and the school district(s) will provide transportation and other school services.
- You may provide either written or verbal reasons for your appeal of this decision.
- An appeal form is attached.
- You may seek the assistance of advocates or attorneys.
- You may contact the Department of Elementary and Secondary Education, Problem Resolution System at (781) 338-3700 or [compliance@doe.mass.ed](mailto:compliance@doe.mass.ed)
- A copy of this written notice of denial of school enrollment is being sent to the Massachusetts Department of Elementary and Secondary Education.

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**IV b. Parent/Guardian Appeal of School District Enrollment Decision**

You should complete this form if you are a parent/guardian of a homeless student, or you are an unaccompanied homeless youth, who disagrees with a school district’s enrollment decision. The district Homeless Education Liaison will assist you with this form, and may take the information verbally if you wish.

Parent/Guardian: \_\_\_\_\_

Student(s): \_\_\_\_\_

Contact Information: \_\_\_\_\_

I wish to appeal the enrollment decision made by: \_\_\_\_\_

School/district: \_\_\_\_\_

I have been provided with the following:

- a copy of the School District Notification of Enrollment Decision, and the ESE McKinney-Vento Dispute Resolution Process; and
- contact information for the district Homeless Education Liaison

I disagree with the enrollment decision for the following reason(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please attach any additional relevant information.

- I know that I may seek the assistance of advocates or attorneys.
- I know that I may contact the Department of Elementary and Secondary Education’s Problem Resolution System at (781) 338-3700 or [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu)

I want a copy of this appeal to be forwarded to the Massachusetts Department of Elementary and Secondary Education

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_