

Bulletin No. 18.01

July 2018

new bulletin

replacement bulletin (replaces bulletin # 03.06)

## Topic: Homeless Education

### I. Overview

The McKinney-Vento Homeless Assistance Act was passed in 1987 and was most recently reauthorized in 2015 under the Every Student Succeeds Act (ESSA). Recent reauthorization places emphasis on best interest of the student and privacy. As of October 1, 2016, the reauthorization ensures transportation to and from the school of origin for the remainder of the school year, including through the remainder of the school year in which a student becomes permanently housed. Also enacted at the same time, the Act includes LEA administered preschools and feeder schools under the definition of school of origin, and ensures students' living situation is treated as a student education record. The reauthorization also removed 'awaiting foster care placement' from the definition of homeless as of December 10, 2016.

The intent of the McKinney-Vento Homeless Assistance Act is to remove barriers to students' educational access and success. Local Educational Agencies (LEAs) are required to designate a homeless liaison to identify students and ensure that services are provided. These services include, but are not limited to: immediate enrollment, free school meals, fee waivers, transportation, and the right to remain in the school of origin. The McKinney-Vento Homeless Assistance Act ensures that children and youth experiencing homelessness have access to the same public education and related services as their permanently housed peers. A child or unaccompanied homeless youth is determined to be experiencing homelessness if he or she lacks fixed, regular, and adequate nighttime residence.

More information can be found on the Wisconsin Department of Public Instruction's (DPI's) Education for Homeless Children and Youth webpage.

## II. Statutory Citation(s)

Elementary and Secondary Education Act (as amended by the Every Student Succeeds Act of 2015)	
Topic	Section
School of Origin and Residence	11432(g)(3)(A)(i-ii), 11432(g)(3)(I)(i-ii)
Best Interest; School Stability	11432(g)(3)(B)(i-iv)
Immediate Enrollment	11432(g)(3)(C)(i-iii)
Privacy	11432(g)(3)(G)
Transportation	11432(g)(1)(J)(iii)(I-II), 11432(g)(4)(A), 11432(g)(6)(A)(viii)
Homeless Liaison	1432(g)(1)(J)(ii), 11432(g)(6)(A), 11432(g)(6)(C)

Wisconsin State Statute	
Topic	Section
Open Enrollment	118.51(3m)(b)(2)

## III. Provisions of Law and Regulations

**School of Origin and Residence:** A student experiencing homelessness has rights to continue attending their school of origin or to enroll in their resident LEA. School of origin is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled. School of origin includes an LEA administered preschool and the next school building when transitioning grade levels for all feeder schools.

**Best interest determination:** When a child or youth becomes homeless, it is presumed to be in the student’s best interest to remain enrolled in their school of origin. The parent or guardian of an unaccompanied homeless youth can request another school; priority must be given to the views of an unaccompanied homeless youth. The homeless liaison in the LEA must confirm that remaining in the school of origin is in the student’s best interest or determine that the student should be enrolled in the resident LEA. If it is determined that attending the school of origin or school requested by the guardian or youth is not in the best interest of the student, the LEA must provide a written explanation to the guardian or youth. This must be written in a manner that is understandable to the individual and include information on their right to appeal the decision.

**Immediate enrollment:** The LEA must immediately enroll a child or youth experiencing homelessness, even if the child or youth does not have records normally required for

enrollment, such as previous academic records, proof of residency, or immunization records. The child or youth must also be immediately enrolled even if they have missed application or enrollment deadlines during any period of homelessness. The homeless liaison must assist the student or guardian in obtaining the records after enrollment.

**Privacy:** Information about a homeless child's or youth's living situation must be treated as a student education record under the Family Educational Rights and Privacy Act (FERPA) and cannot be shared in a directory or while determining McKinney-Vento eligibility.

**Transportation:** Students experiencing homelessness have the right to comparable services as other students, including transportation. If a student is remaining in their school of origin, they have rights to receive transportation to and from the school of origin if transportation is a barrier for the student and if at the request of the parent or unaccompanied homeless youth. Parents/guardians and unaccompanied homeless youth must be informed of their rights to transportation in a manner that is understandable to them. If the school of origin is in the same LEA where the student resides, that LEA arranges and funds transportation for the student. If the student is residing temporarily in an LEA that is different than where the school of origin is located, the homeless liaisons from both LEAs must discuss the best way to transport the student and share the cost of transportation. This includes transportation to and from a school of origin for an LEA administered preschool program. If a student becomes permanently housed during the school year, transportation to and from the school of origin must continue for the remainder of the school year, if it is in the student's best interest to stay in the school of origin.

**Homeless Liaison:** LEAs are required to designate an appropriate staff person to be the district homeless liaison. The liaison must be able to carry out the duties described in the McKinney-Vento Homeless Assistance Act. These duties include ensuring students experiencing homelessness are identified; assist unaccompanied youth and parents with placement, enrollment, and knowing their rights; disseminate public notices of educational rights under McKinney-Vento in a manner and form understandable to parents and youth; inform and assist with accessing transportation; coordinate and collaborate with other agencies to provide referrals to families or youth for housing, health, and other needed services; and mediate enrollment disputes. The homeless liaison must provide professional development and support to school staff providing any of these services. The homeless liaison also needs to ensure accurate data collection and reporting to the state.

**Open Enrollment:** A student who is or has been a pupil experiencing homelessness in the current or immediately preceding school year may open enroll at any time during the school year. They are not guaranteed approval based on experiencing homelessness.

## IV. Actions Required of School Districts

- Identify a McKinney-Vento homeless liaison who is able to carry out the duties.
- Identify students experiencing homelessness in the school district, including preschool children and unaccompanied homeless youth.
- Review and revise district policies and procedures to ensure barriers are removed for students experiencing homelessness.
- Refer families or youth experiencing homelessness to community resources.
- Provide transportation to and from the school of origin, including through the remainder of the school year in which a student becomes permanently housed.
- Immediately enroll the child or youth, even if the child or youth is unable to produce records normally required for enrollment, if applicable.

## V. Frequently Asked Questions (FAQ)

Please see the Guidance section of the DPI's Education for Homeless Children and Youth webpage: <https://dpi.wi.gov/homeless/guidance> and the National Association for the Education of Homeless Children and Youth FAQ document [http://naehcy.org/wpcontent/uploads/2018/02/201710-16\\_NAEHCY-FAQs.pdf](http://naehcy.org/wpcontent/uploads/2018/02/201710-16_NAEHCY-FAQs.pdf).

## VI. Definitions

**Best interest** means a decision under McKinney-Vento regarding whether a child or youth should remain in his or her school of origin or transfer to the resident school.

**Child or youth** means any student up through age 21 who is eligible to attend public school.

**Collaboration** means to work with another person or group in order to achieve or do something.

**Educational stability** means maintaining a child in his or her school of origin, unless it is determined not to be in the child's best interest, in which case the child is immediately enrolled in the resident school.

**Homeless** means a child or youth who lacks fixed, regular, and adequate nighttime residence.

**Immediate enrollment** means enrolled in school without delay.

**Preschool** means a preschool program that is administered by the school district where the student is enrolled in the school district. This could be a program operating in a district building or a program operating at a community location.

**Resident school or school of residence** means the school in the district in which the child or youth is currently residing.

**School of origin** means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool.

**Unaccompanied Homeless Youth** means a student who is not in the physical custody of a legal parent or guardian and meets the definition of homeless.

## VII. Contact Information

Title I and School Support Team  
Division for Student and School Success  
Department of Public Instruction  
[dpi.homeless@dpi.wi.gov](mailto:dpi.homeless@dpi.wi.gov)  
855-235-0185