

# McKinney Vento Homeless Act

## PA HOMELESS CHILDREN'S INITIATIVE (MCKINNEY-VENTO ACT)

In compliance with the federal McKinney-Vento Homeless Assistance Act, as reauthorized in 2015 by Every Student Succeeds Act (ESSA), Fell Charter School attempts to identify any children within the district that may be experiencing homelessness.

The Act defines the term "homeless children & youth" who lack a fixed, regular and adequate nighttime residence. This includes:

- sharing housing with others due to loss of housing, economic hardship or a similar reason
- living in a hotel/motel, trailer park or campground
- living in a emergency or transitional shelter
- living in cars, park, public spaces, abandoned buildings, or similar setting

Children who are experiencing homelessness may qualify for assistance, such as:

- free school lunch
- school supplies
- tutoring
- transportation to remain in school of origin
- Academic Supports are also available such as:
- Access to school supplies
- Assistance with Credit Recovery
- After School Tutoring
- Reading/Math Remediation

Fell Charter School follows the provisions of the federal McKinney-Vento Homeless Assistance Act. This law minimizes educational disruptions experienced by students who are experiencing homelessness. Under McKinney-Vento, homeless students are guaranteed the right to a free, appropriate, public education.

When students become homeless they can remain enrolled in the schools they have been attending, although they might no longer meet residency requirements. McKinney-Vento also guarantees homeless students the right to enroll in a public school even if they lack the typically required documents and immunizations. In addition, homeless students are guaranteed the transportation they need to attend school.

Please contact our homeless liaison, Mr. Casey, at the number below for more information.

**District Liaison for Homeless Education**

**Mr. Tim Casey**

tcasey@fellcharter.com

570-282-5199

**Education for Children and Youth Experiencing Homeless Dispute Resolution Process**

Pursuant to the McKinney-Vento Act, every state must develop procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths. 42 U.S.C. § 11432(g)(1)(C). The state must ensure that Local Education Agencies (LEAs) comply with requirements set forth in the McKinney-Vento Act including ensuring immediate enrollment, providing written notice to families concerning school selection, enrollment decisions and providing enrollment and pendency in the school of choice while a dispute is being resolved. 42 U.S.C. § 11432(g)(2)(A).

The Pennsylvania Department of Education (PDE) has developed the following procedures to govern the resolution of disputes regarding enrollment, school selection, homeless status and complaints of non-compliance with legal requirements pertaining to the education for homeless children and youths:

### **Level 1: A dispute may be filed with the LEA**

If a dispute arises over school selection or enrollment, the child / youth involved must immediately be admitted to the school in which they are seeking enrollment, pending resolution of the dispute 42 U.S.C. § 11432(g)(3)(E)(i). PDE recommends that the parent, guardian or unaccompanied youth who initiates the dispute contact the LEA liaison for individuals experiencing homelessness as soon as possible after receiving the notice of the dispute. If the person initiating the dispute does not contact the LEA liaison directly, the LEA shall be responsible for contacting the LEA liaison regarding the dispute as soon as possible and referring the family or youth involved to the liaison.

The LEA liaison shall ensure that the child or youth is immediately enrolled, explain the dispute resolution process to the family and help them to use it. 42 U.S.C. § 11432(g)(3)(E)(iii). The LEA shall issue a written disposition of the dispute within 20 business days after the LEA liaison is notified of the dispute. The Disposition shall be provided to the parent, guardian or unaccompanied youth and shall explain the basis for the decision and advise the parent, guardian or youth of the right to appeal. 42 U.S.C. § 11432(g)(3)(E)(i).

NOTE: The LEA should use and maintain copies of PDE's "Notice of procedural Safeguards" form which ensures that all LEAs: (a) inform families of the basis of their decision regarding enrollment or school selection; (b) notifies families of their right to remain in their school of choice pending resolution of the dispute; and (c) explains the procedures for challenging the decisions of the LEA.

### **Level 2: A dispute may be filed with a McKinney-Vento coordinator**

If the parent, guardian, or unaccompanied youth is dissatisfied with the LEA's disposition of a dispute or would like to raise any issue of the McKinney-Vento Act noncompliance, they may file a complaint or appeal with a McKinney-Vento site or regional coordinator or with the state coordinator. In lieu of filing an appeal with a McKinney-Vento coordinator, a parent / guardian / unaccompanied youth may elect to appeal the LEA decision directly to a court of competent jurisdiction. Participation in the appeal procedure is not required prior to taking legal action.

- Parents, guardians, and unaccompanied youths should be informed that they can provide written or oral documentation to support their position; and
- Parents, guardians, and unaccompanied youths should be given the opportunity to challenge the school system's assertions.

A regional or site coordinator with whom a complaint or appeal is filed must notify the state coordinator immediately. Upon being notified, the state coordinator will review the complaint or appeal and assign it to a site or regional coordinator for disposition. The coordinator to whom the appeal is assigned may contact, interview and accept documentation from any individual or LEA involved, and shall issue a written disposition within 20 business days after the complaint or appeal has been assigned. The disposition shall be provided to the LEA and the parent, guardian, or unaccompanied youth involved. The child or youth shall continue to be enrolled in the school in which he / she is seeking enrollment until the complaint or appeal is resolved or until a disposition from the a McKinney-Vento coordinator is received.

If a decision cannot be reached or agreed upon at the regional coordinator level, the dispute will be forwarded to the state coordinator for resolution. The state coordinator will view all information and interview all concerned parties involved. The Office of Chief Counsel will be included in the resolution process as needed. If mediation services are needed, the state coordinator will assist in the mediation and may also invite those involved to have the dispute mediated at any time in the process through the Dispute Resolution Program operated by the Commonwealth Office of General Counsel (OGC). The OGC Dispute Resolution Program is a voluntary informal process through which a trained mediator assists in reaching a mutually acceptable resolution.

Participating in mediation is not a waiver of the right to file a lawsuit nor is participation in mediation required prior to taking legal action.

NOTE: Any dispute raised by a homeless family or youth concerning school enrollment or any other right under the McKinney-Vento Act whether received via telephone, letter, email or any mode of communication shall be treated as a complaint.

### **BEC (Basic Education Circular)**

These are links to various community resources.

**[Lackawanna County County Housing Authority](#)**

**Legal Information in Regards to Tenant Rights in Pennsylvania**

**<https://www.palawhelp.org/issues/housing-and-shelter/tenants-rights>**

**Useful Links**

**[PA Department of Education Homeless Education](#)**

**[National Center for Homeless Education](#)**

**[Luzerne County Homeless Education Liaison and Services](#)**