McKinney Vento Legal and Program Information

The McKinney Vento Homeless Assistance Act

- The McKinney Vento Act was originated by Stewart McKinney and Bruce Vento. The act was originally passed in 1987; and last updated in 2015 as part of Every Student Succeeds Act (ESSA).
- The Act applies to BIE, public school districts and public charter.
- The GOAL: To ensure identification, enrollment, and success in school, including preschool, for children and youth experiencing homelessness.

Definition of Homelessness under McKinney-Vento

- Children who lack a regular, fixed, adequate night time residence.
- Can the student go to the same place (fixed), every night (regular), to sleep in a safe and sufficient space (adequate)?
- Fixed: Stationary, permanent, not subject to change.
- Regular: Used on a predictable, routine, consistent basis. Consider the relative permanence.
- Adequate: Lawfully and reasonably sufficient. Sufficient for meeting the physical and psychological needs typically met in a home environment.

Unaccompanied Youth (UHY)

- **A child or a youth without a fixed, regular, and adequate nighttime residence and <u>not</u> in the physical custody of a parent or legal guardian.**
- Youth who run away from home due to abuse or neglect
  - Physically Abused
  - Sexually Abused
- Parents force youth out of the home due to conflict

  - Sexual orientation and gender identity
  - Pregnancy
- **An unaccompanied youth can be a student of any age.**

Eligibility

- **Based on the definition within the law**
- Sharing the housing of others due to loss of housing, economic hardship or similar reason (doubled up).
- Living in hotels, motels, trailer parks, or camping grounds due to lack of alternative adequate accommodations.
- Living in emergency or transitional shelters.
- Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, or similar setting.

McKinney Vento & what is in the law

- Children and youth experiencing homelessness must be identified by school personnel through outreach and coordination with other entities and agencies [42 U.S.C. §11432(g)(6)(A)(i)].
- Liaisons must ensure that children and youth who are identified are informed of their rights under the McKinney-Vento Act [42 U.S.C.§§11432(g)(6)(A)(i), (v), (vi), (viii)].
- The McKinney-Vento Act requires schools to enroll homeless students immediately, 42 U.S.C.§11432(g)(3)(C), and "enroll" is specifically defined as "attending classes and participating fully in school activities." 42 U.S.C. §11434A(1)
- The parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
  For example:

- Students experiencing homelessness must receive appropriate credit for full or partial coursework completed while attending a prior school [42 U.S.C.§§11432(g)(1)(F)(ii)]. School counselors must provide assistance to homeless youth to advise, prepare and improve their college readiness [42 U.S.C. 11432(g)(1)(K)].
- Students experiencing homelessness must have access to academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available [42 U.S.C. §§11432(g)(1)(F)(iii)].
- The McKinney-Vento Act requires state and local educational agencies to "remove barriers to the enrollment and retention of homeless children and youths in schools." 42 U.S.C. §§11432(g)(1)(I), 11432(g)
- LEAs must provide adequate and appropriate transportation to the school of origin upon the request of a parent or guardian, or in the case of an unaccompanied youth, upon the request of the McKinney-Vento liaison [42 U.S.C. §11432(g)(1)(J)(iii)].
- For other transportation (not school of origin transportation), LEAs are required to provide transportation comparable to that provided to housed students [42 U.S.C. §11432(g)(4)(A)]. LEAs must eliminate lack of transportation as a barrier to the student attending school [42 U.S.C. §§11432(g)(1)(I), (g)(7)].

Student and Parent Rights Information

- ADD THE POSTER AND THE DISPUTE RESOLUTION PROCESS FORMS IN THIS AREA, BUT KEEP THE ABOVE HEADING AND DELETE THIS BULLET – SEE ATTACHMENT.

INFORMATION FOR PARENTS AND FAMILIES

IF YOUR FAMILY LIVES IN ANY OF THE FOLLOWING SITUATIONS:

- In a Shelter
- In a motel or campground due to the lack of an alternative adequate accommodation
- In a car, park, abandoned building, or bus or train station
- Doubled up with other people due to loss of housing or economic hardship

Your school-age children may qualify for certain rights and protections under the federal McKinney-Vento Act.

YOUR ELIGIBLE CHILDREN HAVE THE RIGHT TO:

- Receive a free, appropriate public education.
- Enroll in school immediately, even if lacking documents normally required for enrollment.
- Enroll in school and attend classes while the school gathers needed documents.
- Enroll in the local school, or continue attending their school of origin (the school they attended when permanently housed or the school in which they were last enrolled), if that is their preference.
    - If the school district believes that the school you select is not in the best interest of your children, then the district must provide you with a written explanation of its position and inform you of your right to appeal the decision.
- Receive transportation to and from the school of origin, if requested.
- Receive educational services comparable to those provided to other students, according to the students' needs.

If you believe you may be eligible, contact your local liaison to find out what services and supports may be available.

Local Liaison:

State Coordinator:

If you need further assistance with your educational needs, contact the National Center for Homeless Education:
1-800-308-2145 · homeless@serve.org · http://nche.ed.gov

Division of Performance and Accountability
Supplemental Education Programs
McKinney-Vento Education for Homeless Children & Youth Program
DISPUTE RESOLUTION PROCESS

BACKGROUND INFORMATION

The McKinney-Vento Homeless Assistance Act guarantees rights and services for homeless children and youth and requires the Bureau of Indian Education (BIE) to implement a process for the prompt resolution of disputes regarding the educational placement of homeless children and youths. BIE-funded schools must carry out the BIE's dispute resolution within the timeframes established by this Dispute Resolution Process when parents, guardians, or unaccompanied youth and schools disagree on a decision related to the eligibility, school selection, or enrollment of homeless children and youth.

PURPOSE

The dispute resolution process is intended to

A. Provide an opportunity for the parent/guardian of a homeless child or youth, or an unaccompanied youth to dispute a school's decision on eligibility, school selection, or enrollment.
B. Represent each party's views for objective consideration so that disagreements can be brought to closure expeditiously.

DISPUTE RESOLUTION REQUIREMENTS

Under McKinney-Vento, the following issues may be disputed and must be documented with a written explanation whenever there is a disagreement between the school and parent, guardian, or unaccompanied youth who is seeking McKinney-Vento rights and services:

1. Eligibility – Does the child or youth requesting enrollment meet the definition of homeless children and youths or unaccompanied youth under McKinney-Vento?

   Pursuant to McKinney-Vento, the term "homeless children and youths"--
   (A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); 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 (within the meaning of section 11302(a)(2)(C) of this title)[1];
   (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 (as such term is defined in section 6399 of Title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

   The term unaccompanied youth is defined in the Act as "a homeless child or youth not in the physical custody of a parent or guardian" [42 U.S.C. § 11434a(6)]

2. School Selection – Is it in the child's or youth's best interest to continue attending the school of origin?

3. Enrollment (including attending classes and participating fully in school activities pursuant to 42 U.S.C. 11434a(1). -

    - Is the homeless child or youth enrolled in classes immediately regardless of (1) an inability to produce records normally required for enrollment, such as previous academic records, including special education records, proof of residency, immunization or other required health documents, or other documentation, including Certificate of Indian Blood; or (2) missed application or enrollment deadlines during any period of homelessness?
    - Is there a dispute relating to the student participating fully in school activities?

PROCESS

If a dispute arises between a parent, guardian, or unaccompanied youth over a decision on eligibility, school selection, or enrollment:

1. The LEA/school must immediately enroll the homeless student in the school in which enrollment is sought pending final resolution of the dispute, including all available appeals;
2. Within two (2) business days, the LEA/school shall provide the parent, guardian, or unaccompanied youth with a written notice of the school's decision regarding eligibility, school selection, or enrollment and their right to appeal. Elements of a written determination notice:
    a. The determination;
    b. Reason for the determination – why the school made its determination; and
    c. Instructions to appeal the decision, including specific contact information (e.g., phone numbers, emails, etc.) that are not too cumbersome and must be manageable by a homeless child or youth's parent or guardian, or an unaccompanied youth.
3. The LEA/school must provide transportation to and from the school in which enrollment is sought for the duration of the dispute resolution process.
4. Within three (3) business days of receipt of the written notification of the decision made by the school, the parent, guardian, or unaccompanied youth, with assistance from the local homeless liaison, may complete a Notice of Appeal. The local homeless liaison will then immediately forward the Notice of Appeal, along with the school's written notice, to the Bureau of Indian Education, Division of Performance & Accountability.

Upon receipt of a Notice of Appeal, the BIE Division of Performance and Accountability Supplemental Education Program (DPA-SEP) Education Program Specialist shall convene a 3-person panel of at least two (2) BIE DPA-SEP employees and an Education Program Administrator. This panel shall review the entire record of the dispute, including any written statements submitted, and, within five (5) business days, a determination will be made based on the child or youth's best interest. The BIE DPA-SEP Education Program Specialist will issue the decision in writing and send the written determination to the parent, guardian, or unaccompanied youth. The determination of the panel shall be final.

Available Services

- ADD THE MFCS MCKINNEY VENTO HOMELESS POLICY AND THE STUDENT RESIDENCY DOCUMENT IN THIS AREA AND DELETE THIS BULLET – SEE ATTACHMENT.
- All eligible McKinney Vento students receive appropriate transportation to and from school.
- Purchase of school supplies.
- Tutoring services as an academic support. Tutoring services after school and in the residential setting.
- Assistance with enrollment as needed.
- Referral services to community services
  - Housing Dept.
  - Local Dept. Economic Security
  - Navajo Nation Program for Self Reliance
  - Navajo Nation Behavioral Health Services
  - St. Mary's Food Bank
  - Navajo Dept. of Workforce Development
  - Indian Health Services

MANY FARMS COMMUNITY SCHOOL, INC.

McKINNEY – VENTO HOMELESS POLICY

Many Farms Community School, Incorporated (MFCS), is committed to excellence as a tribal grant school. We integrate academic learning with Diné culture and language, facilitated by our dedicated staff who maintain high expectations for all students.

The McKinney-Vento Homeless Assistance Act is a federal law designed to ensure that homeless students have equal access to education, providing them with opportunities similar to those of their housed peers. This law aims to remove barriers that hinder the learning experiences of homeless students.

The Student Records Office at Many Farms Community School safeguards the privacy of our students by adhering to the Family Educational Rights and Privacy Act (FERPA). FERPA protects the confidentiality of educational records, which are securely stored in locked file cabinets and can only be accessed by authorized school personnel, including counselors and administrators.

MFCS has established policies to mitigate obstacles related to school enrollment, promote consistent attendance, and support the academic success of children and youth experiencing homelessness, as defined by the McKinney-Vento Act.

Definition of Homelessness

Homeless children are defined as lacking a fixed, regular, and adequate nighttime residence, which includes:

- Sharing housing due to economic hardship or loss of housing (e.g., living doubled-up).
- Residing in motels, hotels, campgrounds, or trailer parks due to a lack of other options.
- Staying in emergency or transitional shelters.
- Being abandoned in hospitals or awaiting foster care placement.
- Having a night-time residence that is not designated for regular sleeping accommodations.
- Living in a car, park, public space, abandoned building, substandard housing, or similar conditions.
- Migratory children and youth who find themselves in these situations.

Students must be enrolled at Many Farms Community School, Inc. to receive educational services.

MFCS Federal Programs will designate the school's McKinney-Vento Liaison for carrying out the duties of identified homeless students and to follow the procedures for school enrollment and withdrawal. In addition, the school's McKinney-Vento Liaison will work with families, school administrators, teachers, and residential staff to monitor academic progress of the Homeless students.

Enrollment Procedures

MFCS will not deny enrollment to any child due to homelessness or loss of housing. No child will be denied enrollment based on a lack of standard documentation, such as:

- Student Enrollment Application
- Report Cards/Transcripts
- Immunization Records
- Birth Certificates
- Legal Guardianship/Custody Papers
- Lunch Forms
- Residential Enrollment Packets
- Other school-related documents

Transportation Services

MFCS will provide transportation for identified homeless students to ensure their education remains uninterrupted. The school will not discriminate against any child in need of transportation to facilitate their learning.

Residency Requirements

A homeless child or youth is considered a resident of MFCS if they are physically present within the school's boundaries with the intent to stay, although not permanently. Residency is affirmed when living with a parent, guardian, or another responsible adult for school purposes or participation in extracurricular activities. The address provided on enrollment forms serves as proof of residency.

Guardianship

For school placement, any parent, guardian, or responsible adult with legal or physical custody of a homeless child or youth must directly enroll the student at MFCS, including in the Residential Hall.

Access to Comparable Services

Each homeless child or youth will receive services comparable to those available to other students, including:

- Transportation Services
- Health Services
- Educational Services for eligible children, such as ESL, ELL, or Special Education Programs
- Gifted & Talented Programs
- School Nutrition Programs
- Title Services
- 21st Century Programs
- At-Risk Intervention
- Enrichment

Dispute Resolution

Disputes regarding the placement of a homeless student will not impede their access to educational services. Parents will be given every opportunity to engage in the resolution process, and students retain their right to all appropriate educational services while disputes are being resolved.

Training and Awareness

MFCS staff will receive professional training focused on sensitivity toward homeless issues and the specific needs of homeless children. Additionally, training will be provided for parents and stakeholders concerning homelessness and the provisions of the McKinney-Vento Act.

Coordination and Support

The MFCS McKinney-Vento Liaison (School Parent Liaison) will coordinate efforts to support homeless students by ensuring:

- Identification of homeless children and youth through collaboration with school personnel and community agencies.
- Equal opportunities for homeless children and youth to succeed academically.
- Access to educational services and referrals to additional resources.
- Parents or guardians of homeless children and unaccompanied homeless youth are informed of available educational and related opportunities and encouraged to participate in their child's education.
- Public notice of the educational rights of homeless children and youth is shared within the school community.
- Compliance with all policies and mediation of enrollment disputes.
- Coordination between MFCS and local service providers supporting homeless families.
- Assistance for students without immunization records to secure necessary medical documentation.
- Integration of homeless students into general programs without segregation.
- Collaborative programming between MFCS and other federal and local initiatives for support.

Mission Statement:
Many Farms Community School's mission is to offer students the opportunity to achieve in an engaging, inspiring, and challenging environment.

Dá'ák'eh Halání Diné Bi'ólta'
Many Farms Community School, Inc.
"Together We Learn & Succeed"

MFCS Principal
Ms. Francine Tsosie

Governing Board Representative
Ms. Joy Grant-Manus

The information on this form is required to meet The Education for Homeless Children and Youth (EHCY) program, authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), also known as the McKinney-Vento Act. Information on this form is confidential. False claims about living situations may affect enrollment.

School: MANY FARMS COMMUNITY SCHOOL, INC.

Date: _____ **Last School attended:** _____ **Current Grade:** _____
Student Name: _____ ☐ Male ☐ Female
Birth Date: _____ **Do you have more children?** ☐ Yes ☐ No
Address of where the student slept last night: _____
Parent/Guardian/Adult Caring for Student: _____ **Relationship:** _____
Telephone: _____ **Email Address:** _____

Is the student's address a temporary living arrangement? ☐ Yes ☐ No
NOTE: ** If You Checked NO, you may STOP here. Thank you. **
If temporary, is this living arrangement due to loss of housing or economic hardship? ☐ Yes ☐ No

Please "X" all boxes below that best describes where the student sleeps at night, leave those blank that do not apply:
___ **Doubled-up** – staying with a friend or relative because of loss of housing, economic hardship or similar reason (ex: eviction, foreclosure, fire, flood, lost job, divorce, domestic violence, kicked out by parents, ran away from home)
___ In a **motel**/hotel (Name of hotel/motel): _____
___ In a **shelter** or transitional housing program (name of shelter or program): _____
___ In an **unsheltered** location such as: Tent, Car/Truck/Van, abandoned building, streets, campground, park, bus/train station, or another similar place.
___ With an adult that is not a parent or legal guardian, or alone without a parent.
___ None of the above (Please explain):

_____

List all of your children that stay in the same place

Last Name	First Name	Grade	School

The undersigned certified that the information provided above is accurate.

_____ _____
Signature of Person Providing Information **Date**
Parent/Legal Guardian/Caregiver/Unaccompanied Student

For School Use Only

Housing type-Check all that apply and date:
___ Doubled-up ___ Sheltered ___ Unsheltered ___ Motel/hotel

1) Unaccompanied youth: ☐ Yes ☐ No 2) Transportation needed: ☐ Yes ☐ No

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Post Office Box# 70, Many Farms, Navajo Nation, Arizona 86538
Phone: (928) 781-6221 Fax: (928) 781-6400

Do not make copies of this form. If "yes" is checked for "Is the student's address a temporary living arrangement?" forward form to Local Homeless Liaison. A copy should not be placed in the student's cumulative file.

School Personnel Who Enrolled the Student: _____

Contact Information

- Robert Dalton
- School Parent Liaison, McKinney Vento Liaison
- 928.781.6221 Ext. 112
- Email: robert.dalton@mfcsazwarriors.org
- Office Hours: 7:30 a.m. – 5:00 p.m.