

McKinney-Vento Homeless Education Program Guidance on Awaiting Foster Care Placement

REVISED AUGUST 2013

The McKinney-Vento (MV) Homeless Assistance Act reauthorized in 2001 specifically covers children "awaiting foster care placement" {Title X, Part C of the ESEA; Section 725(2)(B)(i); and USED Guidance, Item G-10}. However, the Act does not define that phrase. Federal guidance recommends that educators and advocates consult state laws, regulations and policies (in both education and social services) and provide guidance on a definition.

Due to the temporary nature of foster care placements, in general, and new placements, in particular, the MDE Homeless Education Program staff will continue to consider a foster care placement temporary until a youth has been in the care of the same foster parent for a minimum of six continuous months.

MV SCHOOL SELECTION:

- ♦ When a youth is placed in foster care, temporary care, or an emergency placement, it is the MDE's expectation that the youth will remain in his/her school of origin, whenever feasible, if doing so is in the youth's best educational interest.
 - The youth would be allowed to complete the remainder of the current school year in this school, under McKinney-Vento guidelines.
 - Feasibility and best educational interests are expected to be determined in consultation between foster care caseworkers, District MV Liaisons, and MV Grant Coordinators.
 - The final determination of feasibility and best educational interest will be made in writing by MV staff.
 - If foster care staff wish to appeal a determination of foster youth, the local district's or MDE's Dispute Resolution Procedures must be followed.
- ♦ When a foster care placement begins during the months between school years, the six-month stability period also begins on the date of placement. The youth in such a placement would be eligible for McKinney-Vento educational services at the outset of the next school year. (A youth placed in care in July or August would be eligible for MV services at the start of the school year the following September, for six months from the placement date.)
- ♦ For youth placed in care outside the school or origin - It is expected that foster care caseworkers or DHS Foster Care Education Planners will collaborate and coordinate with District MV Liaisons and/or MV Grant Coordinators in both districts prior to school selection and placement.
- ♦ For youth placed in care within the school of origin - It is expected that foster care caseworkers or DHS Foster Care Education Planners will notify the District MV Liaison and school staff of the change in placement and care within ten school days.

MV HOMELESS EDUCATION SERVICES:

The school of origin is obligated to provide transportation and other support services for youth meeting the state definition of "awaiting foster care placement," under the McKinney-Vento Homeless Act.

A foster youth continuing attendance in the school of origin is eligible to receive transportation from the new foster care placement to that school for the six-month period identified in paragraph two of this Guidance.

- ♦ For youth placed in care **outside** the school of origin – The school of origin and the school of residence must either agree on a transportation plan or equally share the costs of transportation to the school of origin. {Section 722 (g)(3)(J)(III)(I-II)} The mode of transportation is to be determined by the districts.
- ♦ For youth placed in care **within** the school of origin - Transportation arrangements in place prior to the placement will continue through the school of origin.
- ♦ For youth enrolling in the school of residence instead of the school of origin – The school will continue to provide comparable services to the youth who is in a new foster placement.
- ♦ District MV Liaisons and MV Grant Coordinators are responsible for notifying foster parents and DHS foster care caseworkers of the ending date **no later than 30 days before the end of the six-month stability period.**
- ♦ AFTER THE SIX-MONTH ELIGIBILITY STABILITY PERIOD – **Once the six-month period ends, school transportation to the school of origin becomes the responsibility of DHS,** and is to be determined and arranged by foster care caseworkers and/or DHS Foster Care Education Planners. School staff must be informed of the revised transportation plan at least five (5) school days prior to the change.
- ♦ It is expected that MV educational services other than transportation will continue for foster youth through the end of the eligible school year. **NOTE:** MV grant funds may not be used to provide items that can be paid by DHS to foster parents, i.e., school clothing, school supplies or additional food. (No supplanting of federal funds.)
- ♦ It is expected that changes in foster care placement will be kept to a minimum, per the Fostering Connections Act of 2008, so that educational stability can be maintained for as many youth as possible.

District Homeless Liaison Responsibilities:

1. Facilitate immediate enrollment and participation, as well as school transportation (if needed) and other homeless education services available for those children awaiting foster care placement, as defined above.
2. Facilitate collaboration between school systems, state agencies, and contract providers regarding school transportation to share responsibilities and costs.
3. Coordinate services with any involved state agency case manager and/or foster parent or temporary guardian identified by the state agency.
4. Seek guidance as needed from the MV Grant Coordinator or the State Coordinator for Homeless Education.



**Michigan Dispute Resolution Procedure
for
McKinney-Vento Homeless Education Programs
REVISED AUGUST 2013**

The McKinney-Vento (M-V) Homeless Assistance Act acknowledges that disputes may arise between the school district and homeless students and their parents/guardians regarding the education of homeless children and youth. Guidance for school selection and other decisions are provided in the M-V law. The law includes dispute resolution among the required duties of the LEA Liaison.

[McKinney-Vento Homeless Assistance Act, Section 722(g)(3)(E)]

The following procedures are specified in the Act:

- **Enrollment:** Immediately enroll the homeless student in the school preferred by the parents until the dispute is settled. Provide the parent, guardian, or unaccompanied youth with a copy of the educational rights of homeless students (in a format and language understood by the parent, guardian, or youth).
- **Written explanation:** Provide a written explanation of the education agency decision to the parent/guardian or unaccompanied youth.
- **Liaison:** The designated LEA liaison is assigned to carry out the dispute resolution in an expeditious manner.
- **District:** It is the responsibility of the school district to inform the parents/guardians of homeless students of the Dispute Resolution Procedures.

The Michigan Department of Education (MDE) Homeless Education Program has adopted the following dispute resolution process. Local Education Agencies (LEAs) may adopt this procedure or develop their own, as long as the local procedure is first approved by the MDE Homeless Education Program in the Office of Field Services.

**Michigan Dispute Resolution Procedure
for McKinney-Vento Homeless Education Programs**

REVISED AUGUST 2013

In a case where a dispute occurs regarding the education of a homeless child or youth, the following process must be followed:

LOCAL/REGIONAL LEVEL

Every effort must be made to resolve the dispute at the local level before it is brought to the MDE. If the LEA does not have an approved dispute resolution procedure in place, the Liaison must follow the MDE Dispute Resolution Procedure.

Step 1: District McKinney-Vento Liaison

- If a question concerning the education of the homeless child arises, the first person contacted in the school district must be the M-V homeless liaison.
- **The Complainant may make contact in person or by phone, email, or in writing with the District M-V Liaison.**
- Each school district is required to have a designated homeless liaison, and staff in every school and district central office must be able to quickly identify and refer to their district's M-V homeless liaison.

The LEA M-V Homeless Liaison MUST:

- Discuss the complaint with the Complainant and provide the Complainant with a copy of the district/state plan or policy for the education of homeless children and youth.
- Make a determination as to whether the requested services for the homeless student are consistent with local school board (or MDE) policy.
- Advise (and may assist) the Complainant to present their concern in writing to the District M-V Homeless Liaison within two (2) school days of this discussion.
- Provide a written proposal of resolution of the complaint or a plan of action to the Complainant within five (5) school days of the date of receipt of the written complaint.
- **THE STUDENT(S) MUST BE ENROLLED AND SERVED IMMEDIATELY, AND REMAIN ENROLLED AT THE REQUESTED SCHOOL(S) WHILE THE DISPUTE IS BEING RESOLVED.**

Step 2: McKinney-Vento (MV) Homeless Education Grant Coordinator

- If the Complainant wishes to appeal the determination of the District Liaison, the Complainant must notify the Liaison in person or by phone, email, or in writing within two (2) school days of the receipt of the Liaison's determination.
- The District Liaison will immediately share the written dispute documents with the MV Grant Coordinator of the district's consortium.

- The MV Grant Coordinator will review the dispute documents and make a written recommendation to the District Liaison regarding the resolution of the complaint, in the best interests of the student's education.

STATE LEVEL

If the complaint is not resolved in a satisfactory manner at the local/regional level, the appeal will be directed to Michigan Department of Education (MDE) by either the District M-V Liaison, the MV Grant Coordinator or the Complainant. Appeals made under this process must be made in writing and signed by the Complainant. Either the Liaison or Grant Coordinator may assist the Complainant in preparing the written documents. The following steps are to be taken.

Step 3: Regional McKinney-Vento Staff

- The District Liaison, Grant Coordinator or Complainant must submit a letter/message summarizing all correspondence regarding the dispute (electronic communication preferred), attach copies of all prior correspondence and relevant documentation, and send electronically to kies-lowep@michigan.gov, or send in hard copy to State Coordinator for Homeless Education, Michigan Department of Education, Office of Field Services, Special Populations Unit, P.O. Box 30008, Lansing, MI 48909.
- Include in the message/summary to the State Coordinator:
 - A description of the situation that prompted the complaint.
 - The name(s), age(s) and grades of the child or children involved.
 - The name(s) of the involved school district personnel and the school district(s) involved.
 - A timeline and description of the attempts that were made to solve the issue at the local level, including copies of any documentation to date.
- The State Homeless Education Coordinator will gather any additional information needed from statements of the parties involved – without reviewing this - and will forward the information within five (5) school days of receipt of documentation from all parties to three regional MV staff:
 - Two (2) MV Grant Coordinators (not involved in the current case)
 - One (1) MDE MV Monitor (not involved in the current case)
- These regional staff will review all documentation in the case and use the MDE Dispute Review Form to submit a summary, concerns and recommendations to the State Coordinator within five (5) school days.

Step 4: State Coordinator

When the reviews of the regional staff are received by the MDE, the materials will be reviewed by the State Coordinator.

- Within two (2) school days after receiving the regional reviews, the State Coordinator will render a decision and notify the all Interested parties in writing.
- The State Coordinator will retain copies of all relevant information and correspondence for each dispute brought to the state level.

Step 5: Special Populations Manager

If the complaint is not resolved in a satisfactory manner at the level of the State Coordinator, the final appeal will be directed to the OFS Special Populations Manager by either the District M-V Liaison, the MV Grant Coordinator or the Complainant. Appeals made under this process must be made in writing and signed by the Complainant. Either the Liaison or Grant Coordinator may assist the Complainant in preparing the written documents. The following steps are to be taken.

- Within five (5) school days after receiving the regional reviews, the Special Populations Manager (Office of Field Services) will render a final decision and notify the all interested parties in writing.
- The final decision in such disputes rests with the MDE Office of Field Services.
- There are no federal level appeals for McKinney-Vento disputes through the US Department of Education.

PLEASE NOTE:

While the dispute is being resolved, the child or children in question MUST BE ENROLLED, attending and participating in school. If the dispute is concerning the school of "best interest," the student(s) must be enrolled in the school preferred by the parent/guardian or unaccompanied youth.

All public school districts MUST have a current MV Dispute Resolution Procedure on file with the MDE Homeless Education Program.

ATTACHMENTS:

Written Notification of MV Enrollment Decision by School
Written Notification of MV Appeal Request, PARENT-YOUTH
LEA MV Enrollment Appeal Filed by Parent-Guardian
MDE MV DISPUTE REVIEW FORM 2013