



MCKINNEY-VENTO AND SPECIAL EDUCATION

Questions and Answers about
Homeless Students and Special
Education

THE SITUATION

Children and Youth experiencing homelessness face many educational challenges. The National Center on Family Homelessness reported that children who are homeless, as compared to other children, have three times the rate of behavioral and emotional problems, are four times more likely to show delayed development, and have twice the rate of learning disabilities. (see reference #1)

Once a student is identified as student experiencing homelessness under the McKinney-Vento definition of homelessness – lacking a fixed, regular, or adequate nighttime residence – they are afforded educational support and stability to help them succeed in their education.

It can be hard to navigate how to provide the educational support and follow the requirements of IDEA – providing a free and public education with students who are in a homeless situation.

MCKINNEY-VENTO RIGHTS AND SERVICES

In order to remove barriers to education, the following is mandated under McKinney-Vento:

- Immediate school enrollment and participation, even when required records are not available
- Remaining in school of origin when feasible and it is in the student's best interest to do so
- Transportation to and from school of origin
- Access to all programs and services, including special education and Title IA services, among others
- A local homeless liaison to ensure the above are met

IDEA RIGHTS AND SERVICES

Eligibility and Services are determined through evaluation and the development of an individualized education program (IEP). Special Education services include:

- Specially Designed Instruction
- Related Services

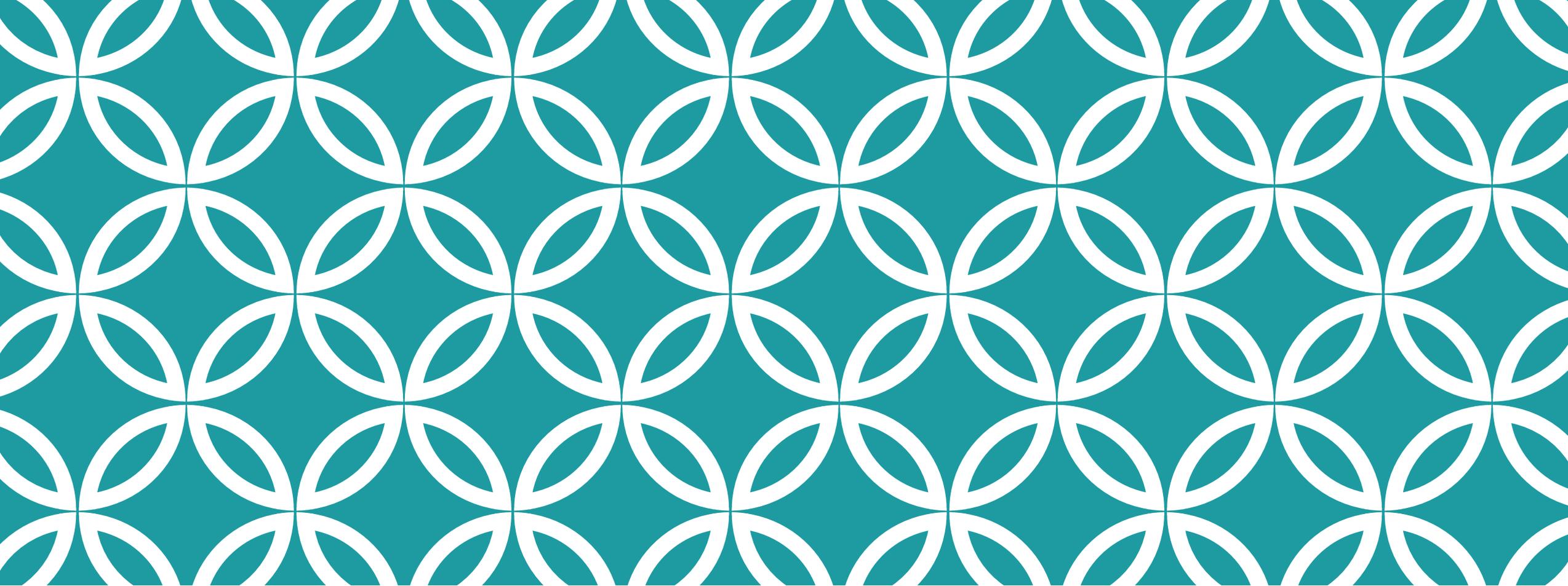
IDEA specifies that special education can take place in the regular classroom, a special education classroom, a specialized school, home, hospital, or institution, following the provision to educate the student the least restrictive environment to the maximum extent possible.

COORDINATION BETWEEN MCKINNEY VENTO AND IDEA

Once a student who is identified as McKinney-Vento and receives services under an IEP, steps must be taken to ensure the student continues to receive their special education services. For McKinney-Vento this includes school of origin and best interest determination and for IDEA, the provision of FAPE. This can include evaluations, if needed, but always includes what is written into the IEP, and protecting the rights of unaccompanied youth, including assigning a surrogate parent if necessary.

Each situation is different and can have complications that can make it hard to figure out the steps to take.

In the following scenarios, think about what you would do and what steps should be taken.



SCENARIOS

Think about what you would do.
What questions would you have?
Who would be the best source
of information?

SCENARIO 1:

Kyle, a third grader with an IEP in district A, and his family have been forced out of the apartment they were living in due to the landlord selling the building. They move in with Kyle's grandmother two towns over (District B) and share her spare room as a family of four. Kyle's mother informs the original school and says she would like him to continue where he was attending in district A. What are the next steps of the liaison in district A? Does the liaison in District B have any responsibility in this case?

NEXT STEPS

District A:

- Have a best interest determination meeting with all involved in the student's education to determine if school of origin is best interest of student. Student continues at school during determination.
- If school of origin is best interest, transportation must be arranged
- IEP services should not be interrupted.

District B:

- Be aware of student's living situation and placement
- Be involved in transportation arrangement. Districts must agree on cost sharing agreement for transportation or split costs 50/50.

SCENARIO 2:

Adrianna has an IEP and is in the process of re-evaluation. Her family loses their housing in District A and moves to a campground across the state. Her father visits the local elementary school in District B to enroll her in school. They do not have any paperwork, but the father indicates she had an IEP at her old school. What are the responsibilities of District A? What are the responsibilities of District B?

NEXT STEPS:

District A:

- Meet with District B for Best Interest Determination meeting
- Relay information about IEP and process

District B:

- Immediately enroll the student and contact District A to set up a Best Interest Determination meeting and receive paperwork. Special Education should also be involved in this meeting and current IEP services should be provided.
- Work to process IEP evaluation in the already agreed upon time frame. If this is unavailable, then the standard time frame does not apply – ONLY IF the parents and LEA agree on a new time frame and the LEA is making sufficient process to ensure completion. (reference #1)

SCENARIO 3

Aidan is in 11th grade and attends an out of district placement for school (District A). He and his parent's don't get along and he leaves home, ending up sleeping on a friend's family's couch. He wants to continue with school but he is now 20 minutes away (District B). What is his school of origin? Is staying in the out of district placement still in the student's best interest? What about transportation costs?

NEXT STEPS

District A

- Must have a Best Interest Determination meeting, including determining if the out of district placement is still in student's best interest as School of Origin – this determination needs to be with the IEP team. Also, if the student should be considered an Unaccompanied Youth
- Share transportation costs with district B. Districts should come to a decision as to how costs are split and which funding sources are used. (reference #2)
- If necessary, assign the student a surrogate parent. (reference #3)

District B

- Attend Best Interest Determination meeting
- Share transportation costs with District A as decided during cooperative discussion.

SCENARIO 4:

Mykayla has been attending an out of district placement at a special school for autism. Her family loses their housing and moves in with the mom's sister in a town 30 minutes away, but closer to the out of district placement. Mykayla's parents decide they want to enroll in the new school district as they don't think they will be moving back to their old town. What are the next steps for District A? What are the next steps for District B? Who is responsible for maintaining the IEP services? Who is responsible for paying for the IEP services?

NEXT STEPS

District A:

- Meet with district B for a Best Interest Determination and coordinate special education services as needed.
- Could end up providing services if that is what is in best interest for the student.

District B:

- Immediately enroll McKayla in school and follow the IEP services as defined, including the out of district placement.
- Meet with District A and special education providers to determine best interest
- In light of available district services, evaluate IEP and services to make sure that the out of district placement is still the least restrictive environment.

THE BIG QUESTION FROM SCENARIO 3 AND 4

Big question from districts is who pays for special education services?

- McKinney-Vento and IDEA leave this to the states, and in NH, we leave this to the districts. Once Best Interest has been determined, districts must also come together to decide who pays for said services in light of each individual situation.
- When a student who is housed moves into a district, the new district is responsible for providing FAPE –
 - “When children with current IEPs change LEAs during the school year, the new LEA is required to provide the children with FAPE immediately, “including services comparable to those described” in the previous IEP, in consultation with the parents. The LEA can then either adopt the current IEP or implement a new IEP. If the LEA is in a state that is different from where a child formerly resided, the LEA can conduct a new evaluation, if determined necessary, and develop a new IEP.” (20 U.S.C. § 1414(d)(2)(C)(i) (reference #3))

SUMMARY OF INFORMATION

In McKinney-Vento a student is allowed to stay in school of origin or enroll in the school in the district in which they are living. Under IDEA, if a student has an IEP and moves into a new district, then that district is responsible for FAPE. Therefore, if an MV student enrolls in a new school district, that district becomes responsible for FAPE. The student's IEP would continue to need to be followed. How the districts handle the specific situations involved in each IEP needs to be worked out at district levels, as well as questions about who retains the authority and responsibility of the IEP.

When a student under McKinney-Vento transfers to a new school, the liaisons from both districts need to meet to have a Best Interest Determination for the student. This should include information about the IEP. Once Best Interest is determined, the districts then need to work out what the best situation would be for the student. Every situation is different, as is every district and therefore it needs to be determined on a case by case basis by the districts and cannot be determined at the state level. There is not a state or federal law that specifically outlines how this should be done beyond the above mentions of IDEA and McKinney-Vento. Ultimately, the decision lands at the district (superintendents).

QUESTIONS

- What questions do you have? (given the time we have left)
- What would be most helpful to you in upcoming meetings?
- Does this time work for you? If not, what are some suggestions for a better time?

REFERENCES

- Reference #1: [Supporting Homeless Children and Youth with Disabilities: Legislative Provisions in the McKinney-Vento Act and the Individuals with Disabilities Education Act](#)
- Reference #2: [Navigating the Intersections of the McKinney-Vento Act and Individuals with Disabilities Education Act: Coordination to Help Homeless Children and Youth with Disabilities](#)
- Reference #3: [Questions and Answers on Special Education and Homelessness \(PDF\)](#)

Please see the references listed on this page for more information. Reference #2 lists out a scenario for an out of district placement.

Reference #3 is a good reference for navigating IDEA and McKinney-Vento, including information on school of origin, unaccompanied youth, and evaluations.

[Contact Info](#)

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