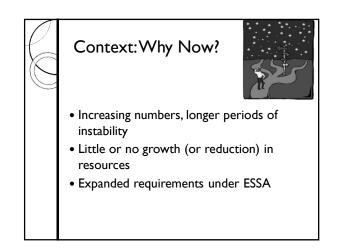
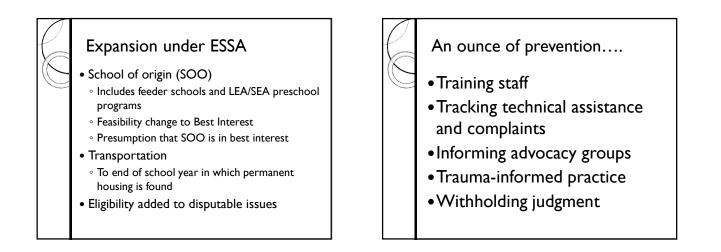
Virginia's McKinney-Vento Best Interest Determination Through Dispute Resolution Under ESSA



Patricia Ann Popp, Ph.D.

VAFEPA Conference October 17, 2017

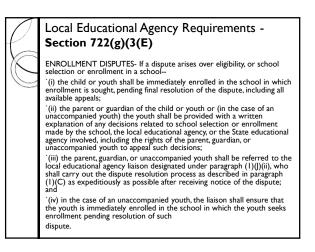




State Plan must include:

`722(g)(1)(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

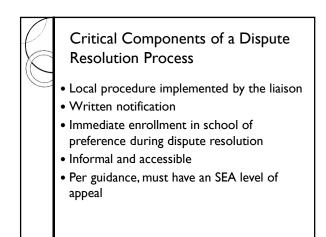
July 21, 2017 Superintendent's Memo #215-17

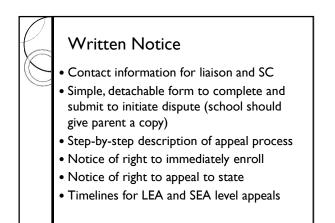


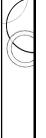
### Liaison Responsibilities - 722(g)(6)

#### • Ensure that:

• `(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);

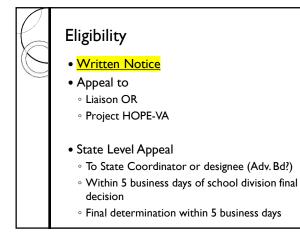


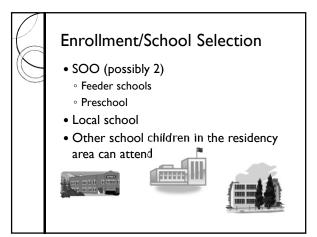




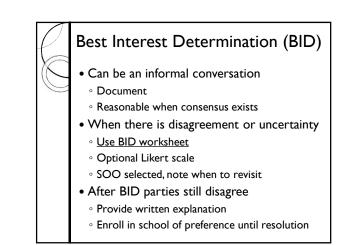
# Eligibility

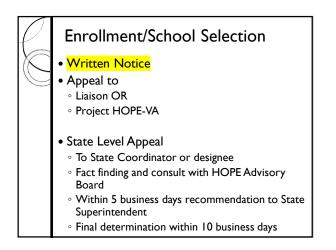
- Challenge: protect students and schools
- Train staff to explain definition and determination to parent/student
- Consider using a checklist
- If situation does not meet definition
  Provide written notice with right to appeal

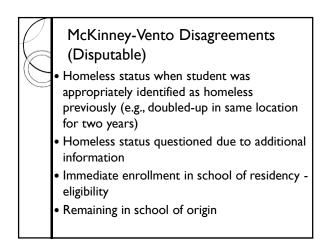


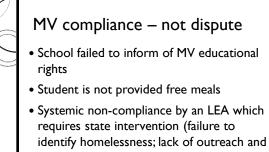


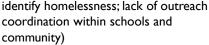
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722(g)(3)	<sup>°</sup> (B) SCHOOL STABILITY- In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall
	(i) presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;
	(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth:
	(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E); and
	(iv) in the case of an unaccompanied youth, ensure that the local educational agency liaison designated under paragraph (1)(j)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

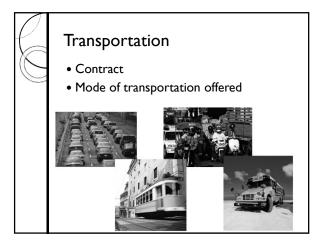












# Not MV Compliance: Services are allowable/beneficial

- Additional activities could enhance homeless identification (e.g., using a residency questionnaire)
- Summer school could improve student's academic performance but is not required to pass a course

# Not MV

- Student wishes to enroll in a school that is not an option for students in the residency area and is not a school of origin
- Parent disagrees with the services being offered in an IEP

## Scenario # I

• You receive a call from a principal. Mother is residing in a motel. She has moved from another distant state where she sold her home. She is in the motel while deciding where to buy her home. She wants to enroll her children in a school of her choice. It is not the local school for the motel. Mom claims she can enroll her children there under McKinney-Vento.

# Scenario # 2

• Family, identified as homeless and doubled up last year, is still residing with same family as a new school year begins. School tells family that the children must enroll in the local school this year.



#### Scenario # 3

• 14 year old from another country is sent to live with her 18 year old sister. The liaison has explored the reason for the move and is told that the schools are better here and the family wants the child to have an education. Despite questions, the family does not identify loss of housing or economic hardship as a reason for the move. After the school denied enrollment, the sister is claiming homelessness.

# Documentation to maintain

- Clear, concise description of the issue
- Timeline of contacts (school, SEA, parent/youth)
- Emails between school and parent
- Log of phone contacts and meetings
- Best interest determination
- Eligibility information