Chapter Two: Local Educational Agency and Local Liaison Responsibilities

Section 2.1 Local Educational Agencies Responsibilities Defined in the McKinney-Vento Act and Non-Regulatory Guidance

Local educational agencies (LEAs or school districts) are instrumental in ensuring that the rights and services guaranteed in the McKinney-Vento Act are implemented throughout the school district. All LEAs must follow the requirements of the McKinney-Vento Act, whether or not they have a McKinney-Vento subgrant.

Section 2.1.1 LEA Requirements in the McKinney-Vento Act

The McKinney-Vento Act provides a number of LEA requirements for serving homeless children and youths [42 U.S.C. § 11432(g)(3)]. The tasks outlined in the law are summarized below.

*In general, LEAs must*

- continue a homeless child’s or youth’s education in the school of origin for the duration of homelessness and for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
- enroll the homeless child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend [42 U.S.C. § 11432(g)(3)(A)].

*School stability provisions require LEAs to*

- 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 homeless youth) the youth;
• 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 youths, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied homeless youth) the youth;
• provide a written explanation of the reasons for the LEA's decision, including information regarding the right to appeal, to the parent or guardian of a homeless student or to an unaccompanied homeless youth, if the LEA sends the child to a school other than the one requested; and
• ensure, in the case of an unaccompanied homeless youth, that the local liaison assists in placement or enrollment decisions, gives priority to the views of the youth, and provides notice of the right to appeal an LEA's best interest determination that is contrary to the youth's request [42 U.S.C. § 11432(g)(3)(B)].

Regarding enrollment and records, the enrolling school must
• immediately enroll the child or youth, even without records that are normally required for enrollment or if the child or youth has missed application or enrollment deadlines during any period of homelessness;
• contact the school last attended for relevant records;
• assist with obtaining immunizations or other required health records; and
• make any records ordinarily kept by the school available in a timely fashion when the child or youth enrolls in a new school or LEA [42 U.S.C. §§ 11432(g)(3)(C)-(D)].

If a dispute arises over eligibility, or school selection or enrollment in a school
• the child or youth must be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;
• the parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth must be provided with a written explanation of any decisions related to eligibility, school selection or enrollment made by the school, LEA, or State educational agency (SEA), including the rights to appeal the decision;
• the parent, guardian, or unaccompanied youth must be referred to the local liaison to carry out the dispute resolution process; and
• in the case of an unaccompanied youth, the local liaison must ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of the dispute [42 U.S.C. § 11432(g)(3)(E)].

Privacy provisions require LEAs to
• treat information about a homeless child’s or youth’s living situation as a student education record and not deem it to be directory information [42 U.S.C. § 11432(g)(3)(G)].

Comparable services provisions require LEAs to
• provide services comparable to those received by other students in the school [42 U.S.C. § 11432(g)(4)].

Coordination provisions require LEAs to
• coordinate with local social services agencies and other agencies or entities providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act [42 U.S.C. § 11432(g)(5)(A)(i)].