

Designating Liaisons for Students Experiencing Homelessness

Overview

The federal McKinney-Vento Homeless Education Act (McKinney-Vento Act) requires every local educational agency (LEA) including school districts, county offices of education, charter schools, and special education local plan areas to designate an appropriate person as liaison for children and youth experiencing homelessness (LEA liaison).

In addition to this district-level position, many LEAs in California designate a staff person at each school site to identify and assist students experiencing homelessness (school site liaisons). Designating school site liaisons is a nationally-recognized best practice for identifying and supporting students experiencing homelessness and fully implementing the McKinney-Vento Act.

To ensure broad and thoughtful implementation of this highly effective practice, this memo provides strategies to encourage all LEAs in California to designate school site liaisons at each school site. This guidance shares relevant laws, key considerations for designating LEA and school site liaisons, and procedures to ensure clear roles and responsibilities between LEA and school site liaisons.

Background

The McKinney-Vento Act was enacted in 1987 to ensure that children and youth experiencing homelessness have access to the same free, appropriate public education and services as their non-homeless peers.¹ The law applies to all LEAs, irrespective of whether the LEA receives funding under the federal program.² California defines LEA broadly to include a school district, a county office of education, a charter school, or a special education local plan area.³

To implement the law, the McKinney-Vento Act requires all LEAs to designate an appropriate staff person as an LEA liaison. LEA liaisons play a critical role in ensuring compliance with the McKinney-Vento Act, helping families navigate the school system, and furthering the McKinney-Vento Act's goal of ensuring equal access to a free, appropriate public education.

LEA Liaison Duties⁴

Each LEA liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that:

1. Homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;
2. Homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that LEA;
3. Homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Title 42 United States Code Section 9831 (42 U.S.C. Section 9831) et seq. early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the LEA;
4. Homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;
5. 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;
6. Public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;
7. Enrollment disputes are mediated in accordance with paragraph (3)(E);
8. The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);
9. School personnel providing services under this part receive professional development and other support; and
10. Unaccompanied youths—(I) are enrolled in school; (II) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(F)(ii); and, (III) are informed of their status as independent students under section 1087vv of Title 20 and that the youths may obtain assistance from the LEA liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid (FAFSA) described in section 1090 of Title 20.

LEA liaisons also have special obligations to support children and youth experiencing homelessness who are not in the physical custody of a parent or guardian (unaccompanied youth). LEA liaisons must help unaccompanied youth select a school of attendance,⁵ receive transportation to and from the school of origin,⁶ and obtain a prompt and fair resolution of any disputes.⁷ LEA liaisons must also inform unaccompanied youth of their status as “independent” students for the purpose of applying to FAFSA and help verify their status.⁸

The McKinney-Vento Act (Act) requires that LEA liaisons be able to carry out the duties described in the law.⁹ A careful reading of all the duties described in the law reveals the difficulty of a single staff member being able to carry out all of these duties without significant support.

A Highly Effective Best Practice—School Site Liaisons

Given LEA liaisons’ numerous and crucial responsibilities, many LEAs find it necessary to designate school site liaisons. School site liaisons help ensure that LEA liaisons are able to carry out the duties described in the Act, by providing support at each school site.

SchoolHouse Connection, a national homeless education organization, recognizes designating school site liaisons as a highly effective best practice for identifying children and youth who are experiencing homelessness, and ensuring full implementation of the McKinney-Vento Act.¹⁰ Similarly, the National Center for Homeless Education, the technical assistance center for the U.S. Department of Education (ED), recommends this best practice as a way to ensure school-level staff understand the needs of homeless students and their rights under the McKinney-Vento Act and enables them to work more effectively with the students.¹¹

Indeed, most California schools have already taken steps to adopt this highly effective practice. According to a recent survey of over 500 LEA liaisons in California, a substantial majority of LEAs in California (84 percent) reported implementing this common-sense solution and designating liaisons at every school site.¹² Even among the LEAs with the fewest students in California, including county offices of education and charter schools, three quarters (75 percent) reported designating school site liaisons as well.

Considerations—Designating LEA and School Site Liaisons

LEA administrators should consider the following guidance from the ED when designating an LEA liaison. The LEA liaison should also consider this guidance when designating a school site liaison.

It is imperative that both the LEA liaison and the school site liaison are able to carry out the duties outline in the Act.¹³

- Allocate sufficient time for liaisons to do their jobs effectively;
- Support liaisons in fulfilling their duties as outlined in the law and in making timely decisions;
- Review the legal requirements for the position;
- Review data indicating the prevalence and needs of homeless children and youths in the LEA, including efforts that may be necessary to improve the identification of such children and youths;
- Review past technical assistance provided to the LEA in order to determine how much time the McKinney-Vento program requires to be managed well;
- Consider the number of schools and students in the district; the number of identified homeless students as a percentage of students living in poverty; and any recent monitoring findings; and,
- Discuss the time allocation with former local liaisons in the LEA, liaisons from other LEAs, or the State Coordinator to determine what is realistic and is being prioritized in a given year, for example, new data collections or monitoring visits.

The ED guidelines above are also relevant to LEA administrators and LEA liaisons designating school site liaisons. School site liaisons often help implement some of the LEA liaison's duties, such as identifying students experiencing homelessness and training other school-level personnel of McKinney-Vento Act's requirements. Given these duties around identification and training, LEAs in California regularly designate administrators, counselors, or clerical staff as school site liaisons.¹⁴ Some LEAs even designate two liaisons at each site, one administrator and one front office personnel, to handle training and identification, respectively.

LEAs should not designate school resource officers (SROs) or other law enforcement personnel as school site liaisons to students experiencing homelessness. Research has found that the presence of law enforcement or SROs disproportionately criminalizes certain vulnerable student populations, including students of color and students with disabilities, and that inappropriate reliance on school-based law enforcement can actually promote distrust in schools.¹⁵ Given the stigma many families and youth feel around their housing status and the concerns they have about sharing their information with law enforcement, SROs and law enforcement should not be a school's designated means of identifying students experiencing homelessness.

Protocol between LEA and School Site Liaisons

Establish and publicize a protocol for how the school site liaisons work with the LEA liaison. For example, some duties may be better-suited to school site liaisons, such as

identification, enrollment, and referrals to early childhood services, health care services, dental services, mental health and substance abuse services, and housing services. The LEA liaison is in a better position to take the lead on other duties, such as transportation, disputes, and trainings. The LEA liaison ultimately has the legal responsibility to ensure all duties are completed.

Protocols should address how children and youth experiencing homelessness will be identified, including clear procedures for addressing gray areas with the LEA liaison prior to sharing the determination with the family or youth. Protocols and procedures must not create barriers to the identification, immediate enrollment, or retention of students experiencing homelessness. Disputes or questions should be referred to the LEA liaison.

As required by the McKinney-Vento Act, LEA liaisons should provide training to school personnel, including school site liaisons, registrars, secretaries, principals, counselors, social workers, transportation teams, child nutrition staff, teachers, tutors, and others. Just as the McKinney-Vento Act requires LEA liaisons to participate in professional development as determined by the State Coordinator,¹⁶ school site liaisons should be required to participate in training with the LEA liaison.

Whom to Inform

Inform your State Coordinator of the LEA liaison's name and contact information. Contact the State Coordinator every time there is turnover in that position.

Inform school personnel, service providers, advocates, parents, and students of the name and contact information of the LEA liaison and school site liaisons, as well as their respective duties. This should be done through several methods to ensure the information is easily available, such as: posting on the district website; posting on the website of each individual school; including in student handbooks; including in information provided to parents and students; and sharing with community service providers through meetings and memos.

¹ 42 U.S.C. § 11431.

² 81 Fed. Reg. 14432 (Mar. 3, 2016).

³ Cal. Educ. Code § 48859(c).

⁴ 42 U.S.C. § 11432(g)(6)(A)

⁵ 42 U.S.C. § 11432(g)(3)(B)(iv)

⁶ 42 U.S.C. § 11432(g)(6)(A)(viii)

⁷ 42 U.S.C. § 11432(g)(3)(E)(iii).

⁸ 42 U.S.C. § 11432(g)(6)(A)(x)(III).

⁹ 41 U.S.C. § 11432(g)(1)(J)(ii).

¹⁰ Guidelines for Designating LEA-Level and Building-Level McKinney-Vento Liaisons, SCHOOLHOUSE CONNECTION 1, <https://www.schoolhouseconnection.org/wp-content/uploads/2017/04/Liaisonguidelines.pdf>.

¹¹ *Homeless Liaison Toolkit*, NATIONAL CENTER FOR HOMELESS EDUCATION (2017 ed.) at 15-5, <https://nche.ed.gov/homeless-liaison-toolkit/>.

¹² <https://aclusocal.org/servingstudents>

¹³ 42 U.S.C. § 11432(g)(1)(J)(ii).

¹⁴ <https://aclusocal.org/servingstudents>

¹⁵ See, e.g., Fix School Discipline; Community Toolkit, PUBLIC COUNSEL 39 (2017), <http://www.fixschooldiscipline.org/community-toolkit/> (citing Matthew T. Theriot, School Resource Officers and the Criminalization of Student Behavior, 37 J. of Crim. J. 280, 280-87 (2009); Noor Dawood, GOLDMAN SCHOOL OF PUBLIC POLICY, Reorienting School Policing: Strategies for Modifying School Policing Objectives to Reduce Unintended Consequences, While Preserving Unique Benefits 28 (2011) (discussing the negative consequences associated with placing officers in a mentoring role on campuses); Dangerous Discipline; How Texas Schools Are Relying on Law Enforcement, Courts, and Juvenile Probation to Discipline Students, TEXAS APPLESEED & TEXANS CARE FOR CHILDREN (2017), <http://stories.texasappleseed.org/dangerous-discipline> (finding students with disabilities experienced more than twice as many SRO arrests as their representation in the student body).

¹⁶ 42 U.S.C. § 11432(g)(1)(J)(iv)