

Act 67 Notice #1:
You Have the Right to Attend School
If You Are Experiencing Homelessness

*The purpose of this notice is to explain to families their rights under the McKinney-Vento Act, as required by Act 67. This notice can also be used for all students upon enrollment to ensure that all families understand the law. The notice must be provided by a school district or charter school **before** taking any action to disenroll a student.*

*The notice shall be provided to a parent/caregiver or a student living on their own **at least twice** via email and by **certified mail** before scheduling any residency hearing. In addition, the school shall contact the family by phone **up to three times** to confirm their receipt of the notice. A signed copy of this notice shall be maintained in the student's file, and disclosure is subject to the confidentiality protections of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 CFR Part 99.*

Date Notice Provided: _____

Contact Information of Parent/Caregiver [or Student, if on your own]:

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

School District/Charter School: _____

School Name: _____

Student Name(s) and DOB: _____

Dear Parent/Guardian/Caregiver or Student: _____,

You are receiving this letter to notify you of your child's right to attend school even if you are not currently living within the school district/charter school catchment area and are not otherwise eligible to attend your current school. This right applies if a student meets the definition of a student experiencing homelessness, as explained below.

In general, children have a right to attend school in the district where they are living with a parent or caregiver ("residency") and to attend the school that serves as their designated "catchment area." There are some important exceptions to this rule. For example, a child in foster care or in a residential placement has the right to attend school where they are living. Another important exception applies to students who meet the definition of a student experiencing homelessness under a federal law called the McKinney-Vento Act, 42 U.S.C. §

11431 *et seq.* This law applies to students who lack a fixed, permanent night-time residence, including children who are:

- Sharing the housing with others, including family members, due to loss of housing or economic hardship (often called living “doubled up” or “couch surfing”).
- Living in housing that is “substandard,” such as lacking heat in winter, electricity, or a working kitchen or bathroom, or being infested with mold or vermin.
- Temporarily living in an emergency shelter, hotel, car, or campground.
- Living unsheltered or in a place not ordinarily used for permanent housing, such as on a street, in a camper, or in an office or abandoned building.

The law protects students experiencing homelessness by ensuring that they are able to stay in the same school if they become homeless. They may also stay in the same school for the remainder of the school year if they secure permanent housing. If remaining in the same school is **not** in a child’s best interest as determined by a parent or a student experiencing homelessness, the student has the right to immediately enroll in a new school in any district where they have a “substantial connection” – such as where they live in a shelter or where they live doubled up with friends. See Pennsylvania’s Basic Education Circular, “[Education for Homeless Youth](#).” (Children in foster care have a similar right to school stability and immediate enrollment under a federal law called the Every Student Succeeds Act, 42 U.S.C. § 675(4)(A).)

If your child meets the definition of homelessness, they have a legal right to remain in their current school, even without current evidence of residency. School districts/charter schools have an affirmative obligation to identify children who are experiencing homelessness and to provide them all the protections and services they are entitled to receive under law, such as transportation, school uniforms, and supports to eliminate barriers to school attendance.

To determine whether your child meets the definition of a student experiencing homelessness, we will work with you to complete a questionnaire ([McKinney-Vento Screener](#)) to identify whether the McKinney-Vento Act protections apply. Specifically, the school’s McKinney-Vento liaison _____ will contact you within two weeks to ensure that you understand your rights and to ask a few questions to determine whether your child qualifies as a student experiencing homelessness. This person will:

- Reach out to you at least twice by phone and by email using the information above.
- Send a letter to the physical address indicated on this letter.

Please let us know if the contact information listed is incorrect. You can also reach out directly to the McKinney-Vento liaison by calling _____ or via email at _____.

Once the questionnaire is completed, you will be notified as to whether your child qualifies (or you as a student on your own qualify) as a student experiencing homelessness. If you are **not** deemed eligible, the letter will state the reason for the school’s decision. If your child or you are **not** found eligible as a student experiencing homelessness and you believe this decision is incorrect, you have the right to challenge that decision under a dispute resolution process afforded by the McKinney-Vento Act. This process allows your child (or you as a student on your own) to remain in school until the dispute is completely resolved.

You may file a McKinney-Vento complaint with the regional coordinator and then a separate appeal with the McKinney-Vento state coordinator if you disagree with the school’s determination of ineligibility. More information about the Act and the dispute resolution process is attached.

If you agree with the determination that your child/you are **not** eligible for McKinney-Vento protections or if the McKinney-Vento appeal process has been exhausted, and the district/charter school has evidence that you are not a resident of the district, you will receive a second notice titled ***Notice of Right to a Residency Hearing***. This will explain your right to present witnesses and evidence to support your claim of residency through a formal residency hearing process, as well as your right to appeal a determination of non-residency as an “agency decision” after a residency hearing.

Please reach out to your designated McKinney-Vento liaison with any questions or concerns. The next page of this notice includes information about the McKinney-Vento Act eligibility and the dispute resolution process.

Sincerely,

McKinney-Vento Liaison’s Name

McKinney-Vento Liaison’s Contact Information

I acknowledge that I have received this notice of my rights under the McKinney-Vento Act:

[Parent/Guardian/Caregiver/Student, if on your own]

Date: _____

☐ Parent/guardian communicates in a language other than English. This form has been translated into _____ and provided to the parent/guardian/caregiver or student in their native language on the date of the Notice. A copy is enclosed.

Your Rights Under the McKinney-Vento Act

McKinney-Vento Eligibility and Duration of Protections

From preschool through high school graduation, all students who are experiencing homelessness have a legal right to attend school in the school district and school they attended before experiencing homelessness. This right to attend the same school applies even if the child is no longer living in that district or catchment area. This protection, called “school stability,” applies for the duration of homelessness, even if a child experiences homelessness for multiple years. The right also applies until the end of a school year even if a child finds permanent housing before the school year ends. Children have a legal right to attend school until age 21 or until their 22nd birthday if a child is eligible for special education services/has an Individualized Education Program (IEP).

Students Living on Their Own: Unaccompanied Students

Students experiencing homelessness need not be living with a parent or guardian to receive protections under the McKinney-Vento Act. A student experiencing homelessness qualifies as an “unaccompanied youth” if they are not in the physical custody of their parent/guardian. In some cases, a youth may have run away or been “kicked out” of their house or are on their own for another reason. These students, called “unaccompanied homeless youth,” are entitled to some additional protections under the Act.

Pennsylvania’s Dispute Resolution Process

If you disagree with a determination that your child/you are **not** eligible as a student experiencing homelessness, you can file a complaint and seek review of the decision from the McKinney-Vento state coordinator.

There are several levels to the McKinney-Vento dispute resolution process in Pennsylvania. You can choose to file a McKinney-Vento complaint at any of the following levels.

- (1) You can file an appeal for the school district/charter school decision with the McKinney-Vento regional coordinator, _____, who can be contacted by phone at _____ or via email at _____.
- (2) You can file a complaint with the Pennsylvania McKinney-Vento Coordinator, Mr. Storm Camara, who is charged with resolving McKinney-Vento disputes filed at the state level. He can be reached at 717-772-2066 and by email (scamara@pa.gov).
- (3) You can also file a complaint in federal court challenging the school district/charter school's failure to recognize you as eligible under McKinney-Vento.

It is not required that a complaint is filed at each level. During the dispute resolution process, including all available appeals, a child must be treated as if they **are** McKinney-Vento eligible and must be permitted to remain in the same school, called their "school of origin."

Although you do not have a right to counsel in this dispute resolution process, you can contact an attorney of your choice to seek assistance.

To learn more about all of your rights under the McKinney-Vento Act, see this guidance issued by the Pennsylvania Department of Education:

<https://www.pa.gov/agencies/education/resources/policies-acts-and-laws/basic-education-circulars-becs/us-code/education-for-homeless-youth.html>.

McKinney-Vento and Act 1 Eligibility Screener

Students who lack a permanent, adequate nighttime residence are “McKinney-Vento eligible” because they are considered to be experiencing homelessness under federal law. They need to be recognized by their school and given support.

Students who have changed school entities more than one time in a single school year due to experiencing homelessness are also eligible for protections under Pennsylvania’s Act 1, which seeks to eliminate barriers to full participation and graduation for these students, as well as students in foster care and in the juvenile justice system.

You may use these questions to determine whether a student is eligible for these supports upon enrollment, after each move, and at the beginning of each school year. If the student is eligible, refer the student to the McKinney-Vento liaison. If the student has changed school entities at least once during a school year due to experiencing homelessness, being in foster care, or involvement in the juvenile justice system, the student should be referred to the Act 1 Point of Contact (the person at the school entity or school building who supports students who have experienced “educational instability”).

Determining McKinney-Vento Eligibility

Does the student have a consistent and stable place to stay at night?

Yes _____ No _____

Is the student’s current housing permanent?

Yes _____ No _____

If either answer is “no,” refer the student to the McKinney-Vento liaison to be recognized as eligible for McKinney-Vento. Note: A student who is temporarily living doubled up with others due to economic hardship does not have permanent housing.

If temporary, is the housing:

- ☐ with family, friends, or others due to losing housing or for financial reasons.
- ☐ shelter or emergency housing.
- ☐ motel, hotel, or RV.

- ☐ in a campground, unsheltered, or living in a public space.
- ☐ substandard, in a place that isn't ordinarily used to live in or has been abandoned.

If anything on this list applies, the student should be referred to the McKinney-Vento liaison.

If the housing is permanent, is it adequate?

Yes___ No__

For example:

Does the student have basic necessities like a kitchen and bathroom?

Yes ___ No __

Is the housing_ free from Licensing and Inspections (L&I) violations? Does it have heat for the winter and running water? Is there no problem with pests?

Yes ___ No ___

If the answer to any of these questions is no, the student is McKinney-Vento eligible because they lack *adequate* housing and should be referred to the McKinney-Vento liaison for services and supports. This law may apply even if a family holds a lease, deed, or otherwise has a legal right to remain in a property.

Unaccompanied Youth Are Also McKinney-Vento Eligible

Is the student living away from or outside of the physical custody of their parent or guardian in a temporary living situation?

Yes ___ No ___

If yes, the student is an “unaccompanied homeless youth” under the McKinney-Vento Act and needs to be recognized as both McKinney-Vento eligible and unaccompanied. The liaison should work with the student directly to provide additional support.

Does the student have special education needs or are they suspected to have special education needs?

Yes ___ No ___

If yes, the student should be screened to see if the student has an adult who is able or legally authorized to make education decisions on their behalf. If there is not a person in the student's life who can serve in the role, the Local Education Agency (LEA) must appoint a permanent Surrogate Parent who has sufficient experience and expertise to make education decisions on the student's behalf within 30 days. Shelter staff, street outreach workers, and housing program workers can serve in this role temporarily until a permanent Surrogate Parent can be appointed.

Determining If a McKinney-Vento Eligible Student Is Also Act 1 Eligible

Has the student ever been recognized as Act 1 eligible by a prior school entity?

Yes ___ No ___

If yes, the student is also eligible for Act 1. **If no**, the student should be screened for Act 1 eligibility.

Did the student ever need to change school entities during the school year?

Yes ___ No ___

If yes, was the move caused by experiencing homelessness, being in foster care, or due to involvement in the juvenile justice system?

Yes ___ No ___

If yes, the student should be referred to the school entity's Act 1 Point of Contact and provided with all protections and supports under the Act.

If yes, is the student currently in the 9th-12th grade or should be in the 9th-12th grade?

Yes ___ No ___

If yes, the student needs to be provided with a Graduation Plan to enable them to graduate on time from their current school, a prior school, or through the Keystone diploma process as a last resort.

See the following resources to learn more about students' rights under the federal [McKinney-Vento Act](#) and Pennsylvania's [Act 1](#).