



School Selection and Best Interest Determination

Strategies for Educators

This National Center for Homeless Education brief

- provides an explanation for the provisions in the McKinney-Vento Act that local liaisons can implement when supporting students experiencing homelessness and their families in the school selection process;
- provides recommendations for local liaisons to help students and their families determine the school that is in their best interest to attend; and
- provides strategies for local liaisons to discuss school selection choices with young people and their families as well as to ensure that the transition is as smooth as possible.

School Selection: Supporting Educational Stability

Subtitle VII-B of the McKinney-Vento Act, reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act (42 U.S.C. § 11431) guarantees a child or youth identified as homeless the right to attend either the school of origin or the local attendance area school in the area in which they are currently residing. The decision should depend on a range of student-centered factors that focus on the best interest of the student as well as the family's preference. This brief explains the provisions in the law related to school selection, offers strategies for linking students experiencing homelessness to services in their school of origin, provides practical suggestions for determining the school that is in the best interest of a student experiencing homelessness to attend, and provides practical suggestions for discussing school selection choices with youth experiencing homelessness, their parents, and their guardians, within the framework of the McKinney-Vento Homeless Assistance Act. Briefs on additional topics pertaining to the education and well-being of children and youth experiencing homelessness can be accessed at <https://nche.ed.gov/>.

Key School Selection Provisions in the McKinney-Vento Act

- Local education agencies (LEAs or school districts) must keep children and youth experiencing homelessness in the school of origin, to the extent feasible, except when doing so is contrary to the wishes of the parent or guardian (or in the case of an unaccompanied homeless youth, against the youth's wishes) (42 U.S.C. § 11432(g)(3)(B) (i), 2001).
 - School of origin is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled (42 U.S.C. § 11432(g)(3)(G), 2001).
 - Students can continue attending their school of origin the entire time they are homeless and until the end of any academic year in which they become permanently housed (42 U.S.C. § 11432(g)(3)(A)(i)(II), 2001).
 - If a student becomes homeless in between academic years, he or she can continue attending the school of origin for the following school year (42 U.S.C. § 11432(g)(3)(A)(i)(I), 2001).
- A child or youth experiencing homelessness may enroll 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 (the local attendance area school) (42 U.S.C. § 11432(g)(3)(A)(ii), 2001).
- LEAs must:
 - inform parents and guardians experiencing homelessness of their children's rights under the McKinney-Vento Act (or inform unaccompanied homeless youth of their rights) (42 U.S.C. § 11432(g)(6)(A)(iv), 42 U.S.C. § 11432(g)(6)(A)(vii), 2001);
 - provide transportation for homeless students to and from their school of origin at the request of the parent or guardian (or in the case of an unaccompanied youth, the local liaison) (42 U.S.C. § 11432(g)(1)(J)(iii), 2001); and
 - provide written notice of the LEA's school selection decision and the right to appeal, if a parent or guardian disagrees with the LEA on which school the student should attend (or, provide written notice to an unaccompanied homeless youth, in the event of such a disagreement) (42 U.S.C. § 11432(g)(3) (B)(ii), 2001).

The importance of school stability

Students experiencing homelessness are three times more likely than their housed peers to transfer schools in the middle of the year because their frequent moves result in the choice to either travel a long distance to stay in their original school or change to a closer one (Institute for Children, Poverty & Homelessness, 2019). Both options pose significant challenges. Navigating travel and transportation to one's original school from a new starting point can be difficult, but changing schools involves losing supportive relationships with peers and teachers, adjusting to a new environment, new material requirements (e.g., school uniforms), and academic setbacks that could accompany educational discontinuity. These challenges are in addition to the difficulties of experiencing homelessness. In short, changing schools can greatly impede students' academic and social growth and predisposes many children and youth experiencing homelessness to significant academic challenges and the risk of dropping out of school. Because of this, the McKinney-Vento Act requires LEAs to maintain the educational stability of students experiencing homelessness by allowing them to remain in their school of origin to the extent that it is feasible.

Feasibility

Feasibility depends on a range of factors, but the school placement decision should be a student-centered, individualized determination. Factors an LEA should consider when discussing best interests related to school selection include:

- the age of the child or youth;
- the distance of the commute to and from the school of origin and its impact on the student's education;
- personal safety issues;
- the student's need for special instruction (e.g., special education and related services);
- parent or guardian preference;
- the anticipated length of stay in a temporary shelter or other temporary location; and
- the time remaining in the school year.

For more details, please refer to questions I-3 and I-4 of the [Education for Homeless Children and Youth Program, Non-Regulatory Guidance](#).

Legislative Excerpts Related to School Selection

(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS-

- A. IN GENERAL- The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—
- i. continue the child's or youth's education in the school of origin for the duration of homelessness;
 - ii. for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
 - iii. enroll the 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)
- B. BEST INTEREST- In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—
- i. to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;
 - ii. provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and
 - iii. in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E)
- 42 U.S.C. § 11432(g)(3)(b)

(6) LOCAL EDUCATIONAL AGENCY REQUIREMENTS-

- A. DUTIES- Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

- v. 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;
- vi. 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)

42 U.S.C. § 11432(g)(6)(A)

Strategies for Implementing the Provisions of the McKinney-Vento Act on School Selection

Local liaisons and schools together should support students experiencing homelessness and their families in navigating the school selection process. The McKinney-Vento Act contains several provisions that ensure this is the case, including the mandate that LEAs and school districts keep students experiencing homelessness in their school of origin, that they provide transportation for students experiencing homelessness to and from their school of origin, and that parents and guardians have the right to appeal decisions on which school their student may attend.

This section outlines strategies for implementing the provisions of the McKinney-Vento Act on school selection that local liaisons and schools (both the “sending” school and the “receiving” school) can use to:

1. determine the school that is in the best interest of the student and their parents or guardians; and
2. ensure that the transition (if decided upon) to the new school is made as seamless as possible for the student experiencing homelessness.

Determining Best Interest

Local liaisons play an instrumental role in assisting parents, guardians, and unaccompanied youth experiencing homelessness in selecting the school that will best meet the student’s needs. To support the implementation of the McKinney-Vento Act’s school of origin provisions on a school-wide level, local liaisons should:

- provide training for school personnel on school selection rights for children and youth experiencing homelessness and on the importance of school stability;
- work with school staff to inform parents, guardians, and unaccompanied youth of their rights immediately upon identification or enrollment (develop a brochure or include this information in an LEA handbook for parents; or provide NCHIE’s guide entitled, [What You Need to Help Your Child in School: A Guide for Parents, Guardians, and Caregivers](#));

- provide this brief to all enrollment and school staff to utilize when working with parents, guardians, and unaccompanied youth to determine which school is in the student’s best interest; and
- ensure forms for enrollment and written notice about the right to appeal the school’s or LEA’s school selection decision are written in a form that parents, guardians, and unaccompanied youth can understand, including versions that are written in their native language. Be sure to also explain the forms verbally, if needed. For more information on the resolution of disputes, reference [NCHE’s Dispute Resolution brief](#).

When supporting a student experiencing homelessness and their family to attend the school that is right for them, the local liaison should:

- ensure that parents, guardians, and unaccompanied youth experiencing homelessness understand the school selection options;
- reinforce the importance of school stability and educational continuity;
- discuss with the parents, guardians, and student experiencing homelessness their unique circumstances, and assist them in making the most appropriate choice; and
- provide parents and guardians information on the McKinney-Vento Act and on the process for disputing decisions of the local educational agency when they disagree on eligibility, enrollment, or best interest determinations for their children.

Questions for staff members and liaisons when determining the best interest of each student include:

1. How permanent does the family’s current living arrangement appear to be?
2. How deep are the child’s or youth’s ties to his or her current school?
3. How anxious is the child or youth about an upcoming or recent move?
4. How has the student been set up for success in their academic learning? Are they facing any academic challenges?
5. How do the programs and activities at the local school compare to those at the school of origin?
6. Does one school have programs and activities that address the unique needs or interests of the student that the other school does not have?
7. Would the timing of the school transfer coincide with a logical juncture, such as after testing, after an event significant to the child or youth, or at the end of the school year?
8. What are the parents’ or guardians’ preferences for schools?
9. How would the length of the commute to and from the school of origin impact the child’s or youth’s education?
10. Are there any safety issues to consider?

Once school staff, the local liaison, and the parents, guardians, or student discuss these questions, they should determine which school would be in the student’s best interest. The following checklist lists some additional considerations to help guide the conversation.

Considerations in determining best interest

School of Origin Considerations		Local School Considerations	
<input type="checkbox"/>	<p>Continuity of instruction</p> <p>The student would be served best at the school of origin due to circumstances in their past.</p>	<input type="checkbox"/>	<p>Continuity of instruction</p> <p>The student would be served best at the school of origin due to circumstances in their past.</p>
<input type="checkbox"/>	<p>Age and grade placement of the student</p> <p>Maintaining friends and contacts with peers is critical to the student’s meaningful school experience and participation. The student has been in this environment for an extended period of time.</p>	<input type="checkbox"/>	<p>Age and grade placement of the student</p> <p>Maintaining friends and contacts with peers in the school of origin is not particularly critical to the student’s meaningful school experience and participation. The student has attended the school of origin for only a brief time.</p>
<input type="checkbox"/>	<p>Academic strength</p> <p>The student is facing significant challenges with their academic performance, and the student would fall further behind if they transferred to another school.</p>	<input type="checkbox"/>	<p>Academic strength</p> <p>The student’s academic performance is strong and at grade level, the student likely would recover academically from a school transfer.</p>
<input type="checkbox"/>	<p>Social and emotional state</p> <p>The student is suffering mentally and emotionally from the effects of mobility, has developed strong ties to the current school, and does not want to leave.</p>	<input type="checkbox"/>	<p>Social and emotional state</p> <p>The student seems to be coping adequately with mobility, does not feel strong ties to the current school, and does not mind transferring.</p>

School of Origin Considerations		Local School Considerations	
<input type="checkbox"/>	<p>Distance of the commute and its impact on the student’s education</p> <p>The advantages of continuing to attend the school of origin outweigh any potential disadvantages presented by the length of the commute.</p>	<input type="checkbox"/>	<p>Distance of the commute and its impact on the student’s education</p> <p>A shorter commute may help the student’s concentration, attitude, or readiness for school. The local school can meet all of the necessary educational and special needs of the student.</p>
<input type="checkbox"/>	<p>Personal safety of the student</p> <p>The school of origin has advantages for the safety of the student.</p>	<input type="checkbox"/>	<p>Personal safety of the student</p> <p>The local school has advantages for the safety of the student.</p>
<input type="checkbox"/>	<p>Parent and guardian preference</p> <p>Parents and guardians experiencing homelessness have the right to have their voices heard on what they believe is in the best interest of their children, and their preference is for their child to attend their school of origin.</p>	<input type="checkbox"/>	<p>Parent and guardian preference</p> <p>Parents and guardians experiencing homelessness have the right to have their voices heard on what they believe is in the best interest of their children, and their preference is for their child to attend their local school.</p>
<input type="checkbox"/>	<p>Student’s need for special instruction</p> <p>The student’s need for special instruction, such as Section 504 or special education and related services, can be met better at the school of origin.</p>	<input type="checkbox"/>	<p>Student’s need for special instruction</p> <p>The student’s need for special instruction, such as Section 504 or special education and related services, can be met better at the local attendance area school.</p>

Compare the number of times the school of origin and the local school were selected in the checklist. If remaining in the school of origin is the best option for the student, then transportation must be provided at the request of the parent or guardian (or in the case of an unaccompanied youth, the local liaison) (42 U.S.C. § 11432(g)(1)(J)(iii), 2001).

Ensuring a Smooth Transition

Strategies for sending schools to support a smooth transition

When the school (or LEA) and parents, guardians, or unaccompanied youth agree that enrolling in the local attendance area school is in the best interest of the student, the sending school can ease the transition to the new school by implementing the following strategies:

- encourage the parent, guardian, or unaccompanied youth to make the transition at a time when disruption could be minimized, such as at the end of a grading period or over a holiday break;
- send school records immediately to the new school;
- collect samples of the student’s work to send to the new school, or provide a folder for the parent, guardian, or unaccompanied youth to include samples. Consider using NCHE’s Parent Pack Pocket Folder, available at <https://nche.ed.gov/parent-resources/>;
- contact the local liaison at the new school to ensure immediate enrollment and discuss what services the student may need; and
- provide the parent, guardian, or student with information on the new school, including activities in which the student may be interested.

Strategies for receiving schools to support a smooth transition

The receiving school can ease the transition to the new school by implementing the following strategies:

- welcome the student and determine if they need any material supports (e.g., school supplies or uniforms);
- provide orientation materials to the student and their parent or guardian;
- provide a tour of the school, including meeting the student’s teachers;
- review the student’s academic records – including conducting a credit audit for partial credit – and discuss their interests and needs with the student and their parent or guardian to determine what academic and other supports may be needed;
- link the student with all needed services, such as free school meals, transportation, and tutoring;
- provide expedited testing for Special Education, English Learners, or other programs for which a student might be eligible;
- ensure that all teachers have procedures for welcoming and integrating new students into the classroom; and
- implement policies and practices to ensure that students can obtain school credit, even if they enroll mid-semester.

Considerations and Further Reading

The reauthorization of the McKinney-Vento Act in 2015 included more provisions for students experiencing homelessness with regards to where and how they could enroll in and attend school. For example, students experiencing homelessness have the right to decide whether to stay at their school of

origin or transfer to their local attendance area school. They also have the right to transportation to and from their school of origin, and local liaisons must consider and uplift family preference on school selection. From the local liaison, LEA, and school level, the process of school selection and best interest determination should be student- and family-centered and individualized. Below are additional resources recommended for reading on this topic:

- Dispute Resolution (National Center for Homeless Education): <https://nche.ed.gov/dispute-resolution/>
- Education for Homeless Children and Youth Program Non-Regulatory Guidance (U.S. Department of Education): <http://www2.ed.gov/programs/homeless/guidance.pdf>
- Homeless Liaison Toolkit (National Center for Homeless Education) <https://nche.ed.gov/homeless-liaison-toolkit/>
- Parent Pack Pocket Folder (National Center for Homeless Education): <https://nche.ed.gov/parent-resources/>
- The McKinney-Vento Homeless Assistance Act: <https://nche.ed.gov/legislation/mckinney-vento/>
- What You Need to Know to Help Your Child in School: A Guide for Parents, Guardians, and Caregivers (National Center for Homeless Education): <https://nche.ed.gov/wp-content/uploads/2022/08/Parent-Booklet-Eng.pdf>

References

Institute for Children, Poverty & Homelessness. (2019). Student homelessness in New York City: School instability factors. https://www.icphusa.org/wp-content/uploads/2019/04/SH_SchoolInstabilityFinal-1.pdf

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act, 42 U.S.C. § 11431-11435 et seq. (2015). <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>

U.S. Department of Education. (2004). Education for Homeless Children and Youth program non-regulatory guidance. <https://oese.ed.gov/files/2020/07/160240ehcyguidanceupdated082718.pdf>

This brief was developed by:

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Local contact information

Please put the contact information here.



For more information on issues related to the education of children and youth experiencing homelessness, contact NCHE at homeless@serve.org.