



Homeless Education

Re-Eligibility Determination Guidance & Resources

The Arizona Department of Education (ADE) Homeless Education Program (HEP) has designed the following guidance document to provide local education agencies (LEAs) and McKinney-Vento Homeless Liaisons with essential guidance and resources to ensure the identification and immediate enrollment of homeless children and youth (HCY) for the duration of their homelessness.

Statutory Requirements

There is **no time limit on McKinney-Vento eligibility**, as it depends on the student's living situation. The following statutory requirements support the timely identification and immediate enrollment of HCY.

- Students in homeless situations have the right either to continue attending the school of origin, or to enroll immediately in the local school, according to each student's best interest ([42 U.S.C. § 11432\(g\)\(3\)\(A\)](#); ([42 U.S.C. § 11432\(g\)\(1\)\(J\)\(iii\)](#)).
- The terms "enroll" and "enrollment" include **attending classes and participating fully** in school activities ([42 U.S.C. § 11434a](#)).
- LEAs must 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 parent, guardian, or unaccompanied youth ([42 U.S.C. § 11432\(g\)\(3\)\(B\)\(i\)](#)).
- According to the child's or youth's best interest, the LEA shall continue the child's or youth's education in the school of origin for the **duration of homelessness**, even if they experience homelessness across multiple academic years ([42 U.S.C. § 11432\(g\)\(3\)\(A\)](#)).
- When the child or youth completes the final grade level served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools, (PK-12th grade) ([42 U.S.C. § 11432\(g\)\(3\)\(I\)](#)).
- LEAs are required to develop, review, and revise policies and procedures to remove barriers to the identification, immediate enrollment, and retention of students experiencing homelessness ([42 U.S.C. § 11432\(g\)\(1\)\(I\)](#)).

Requirements to Ensure Programmatic Sustainability & Statutory Compliance

- Maintaining a policy that previously identified HCY are ineligible in the new academic year due to not having a change in housing, additional move, or loss of housing since the last school year is in **violation of the McKinney-Vento Act**.
- LEA practices should take into account that families remain in doubled-up situations for months or even years, as they struggle to find employment, housing, and support for other challenges contributing to their homelessness.
- Each family's situation must be evaluated on an individual basis. Implementing a one-size-fits-all approach is **not** within the scope of the eligibility determination process.
- McKinney-Vento Homeless Liaisons are required to **collaborate with local shelters, transitional, and other housing programs** to streamline the identification process.
 - LEA practices should take into account that many families remain in housing programs for several years. Therefore, families may continue to qualify each school year, so **re-evaluation is critical**.

- **Unaccompanied Homeless Youth (UHY)** may continue to remain in a temporary living situation either with a caregiver or on their own. LEA practices should take into account the following:
 - Maintaining communication with UHY and/or the caregiver through case management will ensure that their living situations are re-evaluated.
 - Recommending a caregiver seeks guardianship or requiring guardianship is a violation of the students’ rights. There are many reasons why caregivers do not seek guardianship, such as the serious legal nature of the decision and associated financial costs.
 - Court appointed guardianship and Power of Attorneys (POA) are different in nature and have expiration dates. Therefore, the process of renewal may create a barrier for the UHY and/or caregiver.
- To ensure that previously identified HCY are aware of their right to re-eligibility, reevaluated for eligibility, and immediately enrolled, the McKinney-Vento Homeless Liaison must follow guidance provided by the ADE HEP regarding end of year processes.
- The ADE HEP may require additional follow up to ensure that the LEA has the support necessary to establish a step-by-step written plan to conduct re-eligibility determinations.

Resources

Required Arizona Department of Education (ADE) Student Residency Questionnaire Rights of Homeless Students	Provision of both the Student Residency Questionnaire and the Rights of Homeless Students is required at any time enrollment is requested and twice annually. (42 U.S.C. § 11432 (g)(3)).
ADE Sample Identification and Eligibility Interview Questions and Checklist	This checklist will help guide your conversations with the parent, guardian, or youth to determine if the child or youth meets the definition of homeless and identify the needs of the family, and child or youth.
ADE Sample Best Interest Determination (BID) Form	This form will help ensure that the school placement decision is student-centered and individualized .
ADE Sample Written Notice of Eligibility and School Placement Determination	<ul style="list-style-type: none"> • Once the LEA determines that a child or youth is eligible, written notification, including the Rights of Homeless Students shall be provided immediately. • If, after examining the details acquired through the interview step, the LEA concludes that a child or youth is not eligible, written notification, including the Rights of Homeless Students shall be provided immediately. <ul style="list-style-type: none"> • The written notice of ineligibility must detail the reason for the determination and include information regarding the right to appeal through the LEA’s Dispute Resolution process.
ADE McKinney-Vento Homeless Liaison Trainings	Recordings and other presentation materials are available for your reference and use.
The National Center for Homeless Education	Brief into Practice Confirming Eligibility for McKinney-Vento Rights and Services