



Making the Case: Legal Language to Support Students

Beth McCullough, a seasoned McKinney-Vento liaison, inspired this new series from SchoolHouse Connection, "Making the Case." Beth suggested:

"None of this work can be done without the law. Maybe we need to give liaisons the words. 'If you think you need more time for this job, here are the parts of McKinney-Vento and ESSA that back you up.' We can be great homeless education liaisons, but we can't do this job without the support of laws behind us, allowing us, mandating us, and providing us the opportunity to make great things happen."

This series will share real students' situations and walk through making the legal case for providing the support the student needs. Let us know if you find this document helpful (info@schoolhouseconnection.org), and we'll provide more.

THE STUDENT

She doesn't have parents. She has a team of social workers who gather once a week to make decisions about her life. She has refused mental health counseling due to years of therapy mandated by judges and family workers. The liaison chimed in during one meeting, "You come to my office all the time. Why don't we set up an hour to meet once a week after school, so we have time to really discuss some of these things that you find troublesome?" She was hesitant, but the liaison reminded her she was in complete control of the meetings. No judge was mandating them. The student agreed.

"I am just not good today," she said during an early session.

"Not good?" the liaison asked. "That could mean a lot. Sad? Angry? Scared? Irritated? Give me a hint."

They had to talk a few minutes before the student settled on sad. "Do you have any sense where the sadness is coming from?"

"I don't know," she said angrily. "It is just sad, just sad." She suddenly pulled her sleeves to cover her arms where she had cut herself in the past few months.

The student is a junior, behind on credits and totally uncertain about her future. She's changed high schools a few times, but now is staying in her school of origin. She wants to stay after school for tutoring, but how will she get "home" after? She wants to participate in a school sponsored lip-synch contest, but how will she buy the music and costume?

MAKING THE CASE

What is some legal language to help the liaison support this student?

The Support	Legal Language to Make the Case	Legal Citation 42 US Code section 11432...
Identifying this student as McKinney-Vento eligible initially	<ul style="list-style-type: none"> • ESSA has put unprecedented emphasis on identifying all our McKinney-Vento students. I need to work with community agencies and school staff to get our identification where it needs to be. 	(d)(5) (g)(1)(I) (g)(6)(A)(ix)
Giving the liaison the time to attend the weekly social work meetings and the time to provide counseling.	<ul style="list-style-type: none"> • There’s a new ESSA requirement that liaisons must be “able to carry out the duties described in paragraph (6)(A).” ESSA also added duties to the liaison’s job in (6)(A). I cannot do my job to ensure the district complies with ESSA and McKinney-Vento in the same amount of hours as I had last year. • Also, ESSA has some new language asking liaisons to increase our work with unaccompanied youth, making sure they are enrolled and participating fully. And I have to collaborate with social service agencies. My joining in these meetings and providing counseling is keeping this student engaged with us. • I need some extra support and/or extra hours to focus on our unaccompanied youth. This is a perfect use for our Title IA homeless set-aside, which ESSA now requires every LEA receiving Title I funds to do. We need to be able to justify the amount of the set-aside, and using some of it to increase the liaison’s hours is a specific allowable use. 	(g)(1)(J)(ii) (g)(6)(A) (g)(6)(A)(x) (5)(A)(i) 20 USC 6313(c)(3) 20 USC 6313(c)(3)(C)(ii)
Ensuring the student receives partial credit for work she completed at her last school.	<ul style="list-style-type: none"> • McKinney-Vento as amended by ESSA is really focusing on partial credits as a way to help get our students to graduation. There is now a specific liaison duty to implement procedures to make sure McKinney-Vento students can get partial credits. • Also, for the first time, we have to disaggregate graduation rates for McKinney-Vento students. That’s a new piece of Title I in ESSA. So, from an accountability standpoint, it’s more important than ever to keep them engaged with us. 	(g)(6)(A)(x)(II) (g)(1)(F)(ii) 20 USC 6311(h)(1)(C)(iii)
Connecting her with a school counselor to talk about college.	<ul style="list-style-type: none"> • ESSA says we have to make sure students experiencing homelessness “receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college.” This is a new requirement, so we need to make deliberate connections between counselors and McKinney-Vento students and make sure our counselors assist those students. • ESSA also has some new language requiring liaisons to ensure “school personnel providing services under this subtitle receive professional development and other support.” So, I need time and access to train counselors and other staff about homelessness, trauma, and McKinney-Vento. 	(g)(1)(K) (g)(6)(A)(ix)

	<ul style="list-style-type: none"> • Plus, I need to make sure all our unaccompanied youth know they can complete the FAFSA on their own and get help getting the verification they need to do that. 	(g)(6)(A)(x)(III)
Transporting her home from counseling and tutoring	<ul style="list-style-type: none"> • We know about providing transportation to and from the school of origin. This student needs counseling and tutoring, or she’s going to be at serious risk of dropping out. That’s definitely a barrier to retention. • Also, the Department of Education just came out with really clear instructions about providing transportation to and from extra-curricular activities when transportation is a barrier. Ignoring that guidance definitely puts us at risk in monitoring. • If we need some extra funds to support this, we can put some of our Title IA homeless set-aside toward it. 	(g)(1)(J)(iii) (g)(1)(I) US ED Guidance J-11 20 USC 6311(h)(1)(C)(iii)
Paying for music and costume for the lip synch contest	<ul style="list-style-type: none"> • McKinney-Vento says we need to remove barriers to the enrollment and retention of McKinney-Vento students. Also, ESSA went further on extra-curricular activities, and now we have to make sure McKinney-Vento children and youth do not face barriers to accessing academic <u>and</u> extracurricular activities. The student’s homelessness is a barrier to participating in the lip synch contest, because she has no money for the music or costume. • Also, this lip synch contest is the first activity she has wanted to join. It is our chance to engage her more fully into the school and keep her with us. ESSA requires us to disaggregate graduation rates for McKinney-Vento students, so from an accountability standpoint, it’s more important than ever to keep them engaged with us. • It’s important to remember Title I, too. Our LEA plan has to describe how we’re going to serve our McKinney-Vento students with the homeless set-aside. Especially since this student is in a non-Title I building, the set-aside should be reaching her. We could use our set-aside for this school activity, to keep this student participating and attending. 	(g)(1)(I) (g)(1)(F)(iii) 20 USC 6312(b)(6) 20 USC 6313(c)(3) 20 USC 6313(c)(3)(C)(ii)
Helping teachers and other school staff understand the student’s trauma its effect on academics and behavior	<ul style="list-style-type: none"> • ESSA says I need to make sure “school personnel providing services under this subtitle receive professional development and other support.” Trauma-informed care is critical to keep our McKinney-Vento students in school. I need to get on the professional development schedule for teachers, coaches, support staff, school secretaries, administrators, and our whole team. 	(g)(6)(A)(ix)

EPILOGUE

The student attends counseling and tutoring after-school and receives transportation back to her transitional shelter after those activities. She has received partial credits and is catching up academically. Her counselor is helping her map out post-secondary opportunities. She won the lip synch contest; afterwards, her attendance improved markedly, because she felt that she belonged. The liaison has been increased to full-time on McKinney-Vento duties.