



COMMONWEALTH of VIRGINIA
Department of Education

DATE: July 21, 2017
TO: Division Superintendents
FROM: Steven R. Staples, Superintendent of Public Instruction
SUBJECT: **Revisions to Virginia's Best Interest Determination and Dispute Resolution Processes for Students Experiencing Homelessness**

This memorandum provides revisions to Virginia's best interest determination and dispute resolution processes developed to comply with the *McKinney-Vento Homeless Assistance Act*, Title IX, Part A of the *Every Student Succeeds Act* (ESSA). This memo supersedes Superintendent's Memo No. 51, March 28, 2003, and Superintendent's Memo No. 56, October 14, 2005.

School divisions are responsible for conducting best interest determinations when deciding if the school of origin is in a homeless student's best interest. The parent, guardian, or unaccompanied youth must be provided a written explanation when there is a disagreement about placement, including the right to appeal the decision [§722(g)(3)(B)]. If a dispute arises over eligibility, school selection, or enrollment in a school, the local homeless education liaison must carry out the dispute resolution process [§722(g)(3)(E)]. This includes the state level dispute resolution process contained in the attachments to this memo.

Changes from the 2005 process include:

- Creation of a "McKinney-Vento Best Interest Determination for School Placement" form that replaces the "Worksheet for Determining Feasibility for School Placement." Under ESSA, "feasibility" has been replaced with "best interest" as the focus for decision making.
- Inclusion of eligibility as a student experiencing homelessness as a disputable action with a separate state-level appeal process.
- Modified timelines for state level appeals to ensure they are resolved in a timely manner.
- Updated directions and forms that may be used by school divisions to inform parents, guardians, and unaccompanied homeless youth of decision-making and the dispute resolution processes. PDF versions of the forms are included with this memo. Templates with drop-down boxes for ease of completion will be posted to the Project HOPE-Virginia website at <http://www.wm.edu/hope>.

If you have questions, please contact Patricia A. Popp, State Coordinator, at pxpopp@wm.edu or (757) 221-7776.

SRS/PRP/rt

Attachments:

- A. [McKinney-Vento Best Interest Determination for School Placement](#) (PDF)
- B. [Written Explanation of McKinney-Vento Determination](#) (PDF)
- C. [Dispute Resolution Process for Virginia Public Schools – Eligibility for McKinney-Vento Services](#) (PDF)
- D. [Dispute Resolution Process for Virginia Public Schools – School Selection or Enrollment](#) (PDF)

