



Highlands School District

PARENT/FACULTY MCKINNEY-VENTO HANDBOOK

Dr. Monique Mawhinney, Superintendent
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Highlands School District

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**Portions of this handbook were adopted from the OCPS Homeless Program and the Title I Homeless Program St. Paul, MN*

The McKinney-Vento Program promotes school stability and academic success of children and youth experiencing homelessness.

What Do We Do?

Services We Provide:

- Assistance with District's enrollment and registration process
- Technical assistance to schools, shelters and parents regarding issues involving children and youth experiencing homelessness
- Assistance to obtain transportation to the child's school of origin, when possible
- Assistance with school supplies, clothing and other resources needed for school
- Assistance with fees related to the full participation in school and school activities (i.e. field trips, graduation)
- Transportation assistance to promote parental involvement
- Referrals to community resources that include medical, food, housing, mental health and others

Who Are We?

The Roles of the McKinney-Vento Program Staff

The Highlands School District's **McKinney-Vento Liaison** is responsible for ensuring the identification, school enrollment, attendance, and opportunities for academic success of students in homeless situations. Some of these activities may be performed by the McKinney-Vento Liaison while others are accomplished by coordinating the efforts of other staff, departments and or community organizations.

The McKinney-Vento Liaison must ensure that:

- Children and youth in homeless situations are identified by school personnel through coordination activities with other entities and agencies.
- Students experiencing homelessness enroll, and have full and equal opportunity to succeed, in school.
- Families, children, and youth experiencing homelessness receive educational services for which they are eligible, including Head Start and Pre-K programs; and referrals to health, mental health, dental, and other appropriate services.
- Public notice of the educational rights of students in homeless situations is disseminated where children and youth receive services.
- Parents or guardians of students experiencing homelessness are informed of educational and related opportunities available to their children and are provided

with meaningful opportunities to participate in the education of their children.

- Enrollment disputes are mediated in accordance with the Enrollment Disputes section of the McKinney-Vento Act.
- Parents, guardians and unaccompanied youth experiencing homelessness are informed of transportation services provided under the McKinney-Vento Act, including transportation to the school of origin, and are assisted in accessing these services.
- Homeless children and youth who do not have immunization or medical records are assisted in obtaining such records.
- Unaccompanied youth are assisted in selecting and enrolling in a school, after considering the youths' wishes, and provide youth with notice of their right to appeal an enrollment decision that is contrary to their wishes.
- Unaccompanied youth are enrolled in school immediately pending the resolution of any dispute that may arise over school enrollment or placement.
- Collaborate and coordinate with Regional Coordinators for Homeless Education and community and school personnel responsible for the provision of education and related services to children and youth in homeless situations.
- School personnel, service providers, and advocates who work with families in homeless situations are educated about the duties of the local homeless education liaison.

Who Qualifies for Services?

Eligibility and Rights of Homeless Children

Under McKinney-Vento legislation, homeless children and youth are individuals who lack a fixed, regular and adequate nighttime residence and includes:

- Children and youth sharing the housing of other persons due to loss of housing (doubled up), economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds; are living in emergency or transitional shelters, are abandoned in hospitals or are awaiting foster care placement
- Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; and
- Migratory children to include immigrant children who qualify as homeless because they are living in circumstances described above.

Students in Homeless Situations Have the Right to:

- Attend school, no matter where they live or how long they have lived there.
- Continue in the school they attended prior to becoming homeless
- Receive transportation to the school they attended before their family became homeless, if possible
- Receive the same programs and services provided to all other children
- Automatically qualify for free breakfast and lunch
- Enroll in a new school without immunization, proof of residential status, school records, proof of guardianship or other documents.
- Attend school with children who are not homeless
- Receive information and referrals to health, mental health, dental and other services.
- Have enrollment disagreements settled quickly and to attend school while disagreements are settled.

Policies and Procedures

Disputes

Varying interpretations of homelessness, school placement and Pennsylvania residence laws have led to confusion. In some cases, this has prevented homeless students from enrolling in and attending school. Students experiencing homelessness have the right to attend either their “school of origin” (i.e. the school that the student attended when permanently housed or the school in which the student was last enrolled) or, if that is not in the student’s best interest (taking into account feasibility and the wishes of the parent/guardian or unaccompanied youth), the local school.

Disputes regarding school placement decisions should be promptly resolved, and students should be enrolled in the school requested while placement disputes are resolved.

Preschool

Preschool education is an important indicator of future academic success. Children experiencing homelessness often have difficulty accessing preschool opportunities. To facilitate preschool enrollment and attendance, the provisions of this policy will apply to preschools. Highlands School District will ensure that children experiencing homelessness receive priority enrollment in preschool programs operated by the district, including exempting homeless children from waiting lists.

Laws Implemented 42 U.S.C 11431-11435

Homeless Education Procedures

The McKinney-Vento Act protects the rights of homeless children and youth for the **duration** of their homelessness. This means students have access to all rights and services from school year to school year if their living circumstance meets the definition of "homeless."

Once a Highlands School District student has been identified as experiencing homelessness, he/she has access to services for one academic school year. If students experience homelessness beyond one academic school year, services remain accessible to these students, when the following steps are taken. Students must be re-identified and coded in Power School. Upon completion, procedures for accessing transportation, free lunch and additional services must be repeated.

If a student is identified as experiencing homelessness and becomes permanently housed **during** the school year, all rights and services remain for the duration of the academic year. This includes the right to remain at the school or origin, request for transportation, free meals, etc. Parents may choose to enroll their child in the school of their new residence although decision making should be based on the best interest of the student.

If in the **following school year** in which a student is permanently housed, students no longer meet the definition of "homeless" they must enroll in the school for their permanent residence.

Identification Procedures

The Highlands School District has implemented a **Student Residency Questionnaire** to assist in the identification of homeless children and youth during the enrollment process. This questionnaire will be included as part of the enrollment process.

All schools, should maintain a file of residency questionnaires that indicate homelessness. These questionnaires should also be sent from the enrollment secretary but should not be maintained in the student's cumulative folder.

Enrollment and Coding Procedures

The McKinney-Vento Act ensures the **immediate enrollment** of children and youth experiencing homelessness even if the students lack records (academic, medical, proof of residency or other documentation). Immediate enrollment includes attending classes and fully participating in school activities.

The district's McKinney-Vento Liaison may assist with referrals and/or transportation so families may obtain needed documentation. Upon enrollment and/or identification of an existing student experiencing homelessness, coding must take place in the district's SIS. This allows for accurate reporting and is vital to services such as free lunch and transportation.

Transportation Procedures

Working to keep students experiencing homelessness in school is a key component of the McKinney-Vento Program. The district provides transportation to and from the school of origin, at the parent or guardian's request whenever possible. All transportation is provided through the district's transportation department.

If a student that is experiencing homelessness requests transportation back to their school of origin, it is important to follow these steps:

1. Make sure the current address and phone number is reflected in Power School
2. Ensure the student is coded as "Homeless".
3. Contact the Assistant Superintendent and the Director of Transportation.

The parent will be contacted by the Transportation Secretary once a route is established.

School Homeless Coordinator

Procedures and Responsibilities

- Coordinate with building guidance counselors, who will serve as a point of contact for the McKinney-Vento Liaison, parents and staff, regarding homeless issues
- Post given materials, posters and resources in schools and ensure brochures are available in each school's office.
- Maintain a list of current students identified experiencing homelessness; available at all times. This should include all residency questionnaires that indicate homelessness.
- Inform administration of any student that becomes homeless during the year.
- Coordinate services for the identified homeless children and youth.
- Create awareness to school staff of the growing population and provide education on the rights of homeless children and youth by disseminating information and materials, or through awareness activities that ensure confidentiality of students.

Service Request Procedures

The McKinney-Vento Program provides funding to help meet the educational needs of homeless children and youth. If items or funding is needed to assist students in participating fully in school or school activities, these procedures need to be followed:

1. Ensure the student is coded appropriately as "Homeless" in the SIS.
2. The building principal shall provide a written request.
3. Send the request to both the business office and the Assistant Superintendent.

If the request requires a purchase, the building principal must receive approval and directions from the business manager or Assistant Superintendent prior to purchasing.

Tips for Counselors

Immediate Assistance

- Be familiar with the McKinney-Vento Act.
- Recognize common characteristics of children experiencing homelessness including:
 1. A history of attending many schools.
 2. Erratic attendance and tardiness.
 3. Consistent lack of preparation for class.
 4. Hostility, anger or extremes in behavior (shyness, withdrawal, nervousness, depression).
 5. Needy behavior (attention-seeking) or withdrawn behavior.
 6. Poor hygiene and grooming.
 7. Inadequate or inappropriate clothing for the weather.
 8. Hunger and/or hoarding food.
 9. Resistance to parting with personal possessions (i.e., not wanting to put coat in a locker).
- Ensure students receive free meals without the necessity of additional paperwork.
- Work with breakfast program staff to ensure that children who arrive late to school (due to transportation route) get fed.
- Ensure that homeless students are afforded every opportunity that non-homeless students have.
- Assist in the securing fees or securing of materials necessary for activities.
- With the parent/guardian's permission, talk to the student's teachers to inform them of the current living situation and how this may affect the student's ability to perform academically. For example, the student may not have access to the necessary

materials to complete assignments such as a computer.

- Advocate for alternative consequences for poor behavior (e.g. withholding recess may eliminate the only time the children get to play and/or play outdoors).

Tips for Teachers of Students Experiencing Homelessness

The child's classroom may be the only place where the child can experience quiet, interact with students his/her own age, and experience success. School is the most normal activity that most children experience collectively. For homeless children it is much more than a learning environment. It is a place of safety, personal space, friendships, and support. Oakley & King, in *Promising Practices For Educating Homeless Students* by Stronge & Reed-Victor, 2000.

- Connect with your school's counselor to understand the student's situation.
- Maintain homework/school supply kits. The guidance counselors have backpacks and basic school supplies. If you use additional supplies, have some available for homeless students or contact the counselors to make a special request.
- Use mentors to provide one-on-one support.
- Plan accommodations for homework. Students may not have access to computers and other tools to complete assignments.
- For students with attendance concerns, connect with the building counselor as the child may qualify for district-provided transportation.

Tips for Enrollment Personnel

Secretaries may be the first contact a family has with the Highlands School District. Be sensitive, patient, calm and reassuring. Provide the student and family with confidentiality; to address questions. Have the parent fill out a ***Student Residency Questionnaire*** to identify homelessness.

Learn to identify possible signs of homelessness:

- Chronic hunger or tiredness
- Erratic attendance in schools
- Attendance in multiple schools
- Poor grooming or clothing that draws attention
- Lack of records, such as birth certificate, immunization record, pre-school physical, or incomplete records.
- Parent who seems confused when asked about the last school attended.
- Statements from family such as "We've been having a hard time lately." "It's a new address, I can't remember it." "We move a lot and are staying with friends until we can find a place."

- Assure families that children can enroll if they are in “housing transition” due to loss of housing, economic hardship or similar reason. Enroll the child immediately (**even without records**).

Tips for School Administrators

- Be familiar with common characteristics of children and youth who are homeless.
- Welcome the student and the family and let them know that the school is a safe and secure place.
- Ensure that the student has every opportunity that a non-homeless student has for participation in after-school activities and in-school programs.
- Inform parents about their child’s educational rights.
- Encourage parents to volunteer. Discuss their interests and offer suggestions that allow them to use their expertise. Many parents will help if invited to do so.
- Support the school staff as they work with the student.
- Contact the school district’s McKinney-Vento liaison for additional support.

Facts about Homelessness

- Families with young children are the fastest growing homeless population.
- No single factor causes homelessness.
- Abuse, chronic neglect, the death of a parent, or economic crisis are factors commonly reported as precursors to homelessness.
- Lack of a livable wage and a shortage of affordable housing are the primary problems facing homeless families.
- The physical and emotional well-being of homeless children is compromised by homelessness and the poverty they experience.
- The primary causes of homelessness among unaccompanied youth are physical and sexual abuse by a parent or guardian, neglect, parental substance abuse, and extreme family conflict.

Frequently Asked Questions

Does the school district find housing or rental/utility assistance for families?

No. Liaisons assist in providing educational services for students experiencing homelessness. However, liaisons do make referrals to community agencies providing these types of services.

Do students living in transitional shelters qualify for the program?

Yes. The McKinney-Vento Act specifically applies to children and youth living in transitional living programs.

If a child moves into permanent housing, do they qualify for services for the remainder of the school year?

Yes.

Can children experiencing homelessness get transportation if they are living outside of the Highlands School District?

Student experiencing homelessness residing out of district may request transportation back to their school of origin. Transportation will be provided if it is in the best interest of the child and feasible for the district.

Are children experiencing homelessness exempt from providing immunization records for enrollment?

Yes. Students experiencing homelessness are not required to produce immunization or other medical records to get enrolled in school and continue attending. After enrollment, contact the Assistant Superintendent if assistance is needed to obtain documents.

If a student is expelled from riding the bus, can they still receive transportation if they become homeless and reside out of district?

In most cases, no.

What ages does the McKinney-Vento Act cover?

21 and under. For special education students, federal law provides the right to access services until age 22.

Is there any procedure in place to prevent families who have permanent housing from claiming to be homeless just to obtain McKinney-Vento services?

Yes. School districts must enroll students experiencing homelessness immediately. If, after enrollment, it is determined that a student is not experiencing homelessness as defined in the law, school districts should follow the policies that are in place to address other forms of fraud.

If a student experiencing homelessness enrolls in a new school because the parent/ guardian was not informed of the student's rights to remain at the school of origin, does the student still have the right to go back to their school of origin?

Yes. School districts are required to inform families of their rights. Not knowing one's rights does not mean not having rights.

How does the McKinney-Vento Act define “unaccompanied youth”?

Unaccompanied youth is defined as a youth not in the physical custody of a parent or legal guardian. If their living circumstance meets the homeless definition, they have full access to services under McKinney-Vento.

Can a school require a caregiver to get legal guardianship to enroll a student in school?

No. The McKinney-Vento Act requires states to address the problem of guardianship issues in school enrollment and requires school districts to enroll youth experiencing homelessness in school immediately, even if they lack typically required enrollment documents. The decision to seek legal guardianship is a serious decision that significantly affects the legal rights of the parent and caregiver well beyond the school arena. While that step will be appropriate in school cases, it will not be in others.

A full list of ***Frequently Asked Questions on the Educational Rights of Children and Youth in Homeless Situations***, drafted by the National Association for the Education of Homeless Children and Youth and the National Law Center on Homelessness and Poverty, may be found on the OCPS Homeless Education website.

LeTendre Scholarships

Children and youth in homeless situations face numerous barriers to educational success. Deep poverty, high mobility and school requirements often make attending and succeeding in school a challenge. Despite these challenges, many students who experience homelessness not only graduate from high school, but wish to pursue a college education.

What is the LeTendre Education Fund?

Established in 1998 in memory of Andre E. LeTendre, husband of Mary LeTendre, former Director of Compensatory Education for the U.S. Department of

Education, the LeTendre Education Fund provides scholarship assistance for students who are homeless or have experienced homelessness. For additional information on deadlines, selection criteria and application forms, please visit www.naehcy.org, or contact the National Association for the Education of Homeless Children and Youth (NAEH CY) at (202)364-7392.

Book	Policy Manual
Section	200 Pupils
Title	Homeless Students
Code	251
Status	Active
Adopted	June 27, 2017
Last Revised	May 22, 2012

Authority

The Board recognizes the need to promptly identify homeless children and youths within the district, facilitate their immediate enrollment, and eliminate existing barriers to their attendance and education, in compliance with federal and state laws and regulations.^{[1][2][3]}

The Board shall ensure that homeless children and youths have equal access to the same educational programs and services provided to other district students.^{[1][2][3][4]}

The Board, authorizes the Superintendent to waive district policies, procedures and administrative regulations that create barriers to the identification, enrollment, attendance, transportation, school stability and success in school of homeless children and youths.^[3]

It is the policy of the Board that no student shall be discriminated against, segregated or stigmatized based on his/her homeless status.^{[5][6]}

Definitions

Enroll or Enrollment means attending classes and participating fully in school activities.^[7]

Homeless children and youths means individuals who lack a fixed, regular and adequate nighttime residence, and includes:^{[7][8]}

1. Children and youths who are:
 - a. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b. Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
 - c. Living in emergency, transitional or domestic violence shelters; or
 - d. Abandoned in hospitals.
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings;
4. Migratory children who qualify as homeless because they are living in circumstances described above; and
5. School-aged parents living in houses for school-aged parents if they have no other available living accommodations.

School of origin is the school the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including preschool. When the child or youth completes the final grade level served by the school of origin, the school of origin shall include the designated receiving school at the next grade level for all feeder schools.[6]

Unaccompanied youth means a homeless child or youth not in the physical custody of a parent or guardian. This includes youth who have run away from home; been abandoned or forced out of home by a parent, guardian or other caretaker; or separated from a parent or guardian for any other reason.[7]

Delegation of Responsibility

The Board designates the Home and School Visitor to serve as the district's liaison for homeless children and youths.[6]

The district's liaison shall ensure outreach and coordination with:[6]

1. Local social service agencies and other entities that provide services to homeless children and youths and families.
2. Other school districts on issues of prompt identification, transfer of records, transportation and other inter-district activities.
3. District staff responsible for the provision of services under Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act.[9][10]
4. State and local housing agencies responsible for comprehensive housing affordability strategies.

The district's liaison shall ensure that public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents/guardians of homeless children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens. Such notice shall be provided in a manner and form understandable to the parents/guardians of homeless children and youths, and unaccompanied youths.[6]

The district's liaison shall provide reliable, valid and comprehensive data to the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness (ECYEH) Program in accordance with federal and state laws and regulations.[6]

Guidelines

Enrollment/Placement

Best Interest Determination -

In determining the best interest of a child or youth, the district shall:

1. 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.[6]
2. Consider student-centered factors related to impact of mobility on achievement, education, health and safety, giving priority to the request of the parent/guardian or unaccompanied youth.[6]
3. If, after such consideration, the district determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent/guardian or unaccompanied youth, the district shall provide the parent/guardian or unaccompanied youth with a written explanation of the reasons for its determination. The explanation shall be in a manner and form understandable to the parent/guardian or unaccompanied youth and shall include information regarding the right to appeal.[6]

Placement -

In accordance with the child's or youth's best interest, the district shall continue to enroll a homeless student in his/her school of origin while s/he remains homeless and through the end of the academic year in which s/he obtains permanent housing.[6]

Parents/Guardians of a homeless student may request enrollment in the school in the attendance area where the student is actually living or other schools.[6]

The district's liaison shall assist an unaccompanied youth in placement or enrollment decisions, giving priority to the views of the student in determining where s/he will be enrolled.[6]

The district shall provide the parent/guardian or unaccompanied youth with a written explanation of any district decision related to school selection or placement, including the right to appeal.[6]

Enrollment -

The selected school shall immediately enroll the student and begin instruction, even if:

1. The student is unable to produce records normally required for enrollment.[3][11][12][13][14][15][16][17]
2. The application or enrollment deadline has passed during any period of homelessness.[6][11]

The district's liaison shall immediately contact the school last attended by the child or youth to obtain relevant academic or other records.[6][11][12][13][14][15][16]

The district may require a parent/guardian to submit contact information.[6]

Assignment -

If the district is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize appropriate means to determine the student's assignment within the school.[6][18]

Dispute Resolution -

If a dispute arises over eligibility, enrollment or school selection:[6]

1. The parent/guardian or unaccompanied youth shall be referred to the district's liaison, who shall assist in the dispute resolution process.
2. The student shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.
3. The district's liaison shall issue a written decision of the dispute within twenty (20) business days of being notified of the dispute.

A parent/guardian or unaccompanied youth may appeal a district's written decision or file a complaint with the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program.

Education Records

Information about a homeless child's or youth's living situation shall be treated as a student education record subject to the protections of the Family Educational Rights and Privacy Act (FERPA), and shall not be deemed to be directory information.[16][17]

Comparable Services

Homeless students shall be provided services comparable to those offered to other district students including, but not limited to:[1][6][19]

1. Transportation services.[20]
2. School nutrition programs.[21]
3. Career and technical education.[22]
4. Preschool programs.
5. Educational programs for which the homeless student meets the eligibility criteria, such as:
 - a. Services provided under Title I or similar state or local programs.[23]
 - b. Programs for English Language Learners.[24]
 - c. Programs for students with disabilities.[10]
 - d. Programs for gifted and talented students.[25]

Transportation

The district shall provide transportation for homeless students to their school of origin or the school they choose to attend within the school district.[1][6][20]

If the school of origin is outside district boundaries or homeless students live in another district but will attend their school of origin in this district, the school districts shall agree upon a method to apportion the responsibility and costs of the transportation.[6]

Training

The district's liaison shall participate in professional development programs and other technical assistance activities offered by the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program.[6]

The district shall train school staff to heighten the awareness of, and capacity to respond to, the educational needs of such children.

Legal

1. 24 P.S. 1306
2. 22 PA Code 11.18
3. 42 U.S.C. 11431 et seq
4. 34 CFR 299.19
5. 42 U.S.C. 11431
6. 42 U.S.C. 11432
7. 42 U.S.C. 11434a
8. 34 CFR 200.30
9. Pol. 103.1
10. Pol. 113
11. Pol. 200

12. Pol. 201
13. Pol. 203
14. Pol. 204
15. Pol. 209
16. Pol. 216
17. Pol. 113.4
18. Pol. 206
19. Pol. 146
20. Pol. 810
21. Pol. 808
22. Pol. 115
23. Pol. 918
24. Pol. 138
25. Pol. 114
22 PA Code 403.1
20 U.S.C. 1232g
20 U.S.C. 6301 et seq
34 CFR Part 99
67 Fed. Reg. 10698
PA Education for Homeless Children and Youth State Plan

Highlands School District – Dispute Procedure

Policy & Procedure for Resolving School Enrollment Disputes for Homeless Students Under the McKinney-Vento Homeless Education Assistance Improvements Act of 2001.

Policy:

Varying interpretations of homelessness, school placement and Pennsylvania residence law have led to confusion and in certain instances have prevented homeless students from enrolling in and attending school. Homeless students have the right to attend either their “school of origin” (i.e. the school that the student attended when permanently housed or the school in which the student was last enrolled) or, if that is not in the student’s best interest (taking into account feasibility and the wishes of the parent/guardian or unaccompanied youth), the local school. Disputes regarding school placement decisions should be promptly resolved, and students should be enrolled in the school requested while placement disputes are resolved.

Procedure:

If a parent/guardian or, in the case of unaccompanied youth, a student requests a school placement with which the district homeless liaison disagrees, the student must be enrolled in the school of his or her choice while the dispute is resolved. The District must give the student, in writing, an explanation of the District’s enrollment decision and information about the student’s right to appeal the decision. The district homeless liaison will generate the required letter and statement of appeal rights.

If the student is an unaccompanied youth, the homeless liaison contact at the school will assist him or her with this dispute resolution process.

If the parent, guardian, or unaccompanied youth disagrees with the district superintendent’s decision and wishes to appeal to the local board of education, the parent, guardian, or unaccompanied youth shall inform the district liaison of the intent to appeal. The district liaison shall ensure an appointment is made for the next, regularly scheduled board meeting to address the dispute. The district liaison shall also provide the parent, guardian, or unaccompanied youth with the documentation collected up to that point, including the parent, guardian or unaccompanied youth’s request for dispute resolution, the district liaison’s and superintendent’s written decisions and any other additional information submitted by the parent, guardian, or unaccompanied youth. The parent, guardian, or unaccompanied youth shall be informed of the right to appeal and the local school board of education’s written decision shall include a statement of the right to appeal to the PDE if aggrieved.

State Education Agency Level:

Appeals made to the PDE shall be submitted in writing, signed by the complainant, and forwarded by the school district. The following steps are to be taken:

- a. Address the complaint to:
Pennsylvania Department of Education
Division of Federal Programs
333 Market Street, 5th Floor
Harrisburg, PA 17126-0333
- b. The complaint shall include the following:
 1. A description of the situation that prompted the dispute
 2. The name(s) and age(s) of the homeless child or youth
 3. The name(s) of the LEA and personnel involved
 4. A description of the attempts that were made to resolve the issue at the local level, including copies of any documentation used in making the decisions.
- c. The State Homeless Coordinator will gather needed information from statements of the parties involved and forward the information to the Executive Director of the Office of Federal Programs, along with a recommendation for resolution or for further investigation.
- d. Within ten (10) business days after receiving a complaint, the Chief of the Division of Federal Programs will recommend a resolution and will inform interested parties, in writing, of the decision.

If the parent, guardian, or unaccompanied youth disagrees with the decision of the State in a matter concerning homeless children or youth, the party may request a review of the decision by the United States Secretary of Education in accordance with 34 CFR Part 299.11.

**Highlands School District
Notice of Enrollment Decision/Appeal Rights**

Date: _____

Name of Student(s): _____

Name of Parent/Guardian: _____

School: _____

School Homeless Liaison: _____

District McKinney-Vento Liaison: _____

Dear _____:

After reviewing your request to enroll the student(s) named above, your enrollment request is denied for the following reasons:

Instead, the student(s) will be enrolled at _____.

You have the right to appeal this decision by completing the second page of this notice.

Sincerely,

Dr. Cathleen J. Cubelic
Assistant Superintendent

Copies of School Board Policy on Homeless Education Dispute Resolution Process are attached.



pennsylvania
DEPARTMENT OF EDUCATION

**Pennsylvania's Education for Children and Youth
Experiencing Homelessness - Dispute Letter**

Date:

State Coordinator
Education for Children and Youth Experiencing Homelessness
Pennsylvania Department of Education
333 Market Street, 5th Floor
Harrisburg, PA 17126-0333

Dear State Coordinator:

My name is _____. My child(ren) attend school in the
_____ School District.

I need your help with the following problem(s). I have checked the box that fits my situation. I have included a brief statement in the space provided.

☐

The school district would not enroll my child (children).

☐

Child(ren) couldn't begin school because they didn't have all their medical and/or school records.

☐

Child(ren) not permitted to stay in their current school.

☐

Special education testing/placement service denied or unavailable.

☐

School District will not provide transportation to stay in the current school.

☐

Other _____

☐

I have written on the reverse side what has already been done to help me. (Optional)

Please call me at () _____, or at () _____.

Or, you can write to me at: (print full address)

Thank you in advance for looking into this matter.

Parent Name

Subtitle B — Education for Homeless Children and Youths

SEC. 721. STATEMENT OF POLICY.

The following is the policy of the Congress:

- (1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.
- (2) In any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.
- (3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.
- (4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

(a) **GENERAL AUTHORITY-** The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d) through (g).

(b) **APPLICATION-** No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(c) **ALLOCATION AND RESERVATIONS-**

(1) **ALLOCATION-** (A) Subject to subparagraph (B), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except that no State shall receive less than the greater of —

- (i) \$150,000;
- (ii) one-fourth of 1 percent of the amount appropriated under section 726 for that year; or
- (iii) the amount such State received under this section for fiscal year 2001.

(B) If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (A), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

(2) **RESERVATIONS-** (A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.

(B)(i) The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students

served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), that are consistent with the purposes of the programs described in this subtitle.

(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this subtitle, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

(3) STATE DEFINED- For purposes of this subsection, the term State¹ does not include the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

(d) ACTIVITIES- Grants under this section shall be used for the following:

(1) To carry out the policies set forth in section 721 in the State.

(2) To provide activities for, and services to, homeless children, including preschool-aged homeless children, and youths that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.

(3) To establish or designate an Office of Coordinator for Education of Homeless Children and Youths in the State educational agency in accordance with subsection (f).

(4) To prepare and carry out the State plan described in subsection (g).

(5) To develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youths.

(e) STATE AND LOCAL SUBGRANTS-

(1) MINIMUM DISBURSEMENTS BY STATES- From the sums made available each year to carry out this subtitle, the State educational agency shall distribute not less than 75 percent in subgrants to local educational agencies for the purposes of carrying out section 723, except that States funded at the minimum level set forth in subsection (c)(1) shall distribute not less than 50 percent in subgrants to local educational agencies for the purposes of carrying out section 723.

(2) USE BY STATE EDUCATIONAL AGENCY- A State educational agency may use funds made available for State use under this subtitle to conduct activities under subsection (f) directly or through grants or contracts.

(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS-

(A) IN GENERAL- Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

(B) EXCEPTION- Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if —

(i) the school meets the requirements of subparagraph (C);

(ii) any local educational agency serving a school that the homeless children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and

(iii) the State is otherwise eligible to receive funds under this subtitle.

(C) SCHOOL REQUIREMENTS- For the State to be eligible under subparagraph (B) to receive funds under this subtitle, the school described in such subparagraph shall —

(i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that —

(I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);

(II) sets forth the general rights provided under this subtitle;

(III) specifically states —

(aa) the choice of schools homeless children and youths are eligible to attend, as provided in subsection (g)(3)(A);

(bb) that no homeless child or youth is required to attend a separate school for homeless children or youths;

(cc) that homeless children and youths shall be provided comparable services described in subsection (g)(4), including transportation services, educational services, and meals through school meals programs; and

(dd) that homeless children and youths should not be stigmatized by school personnel; and

(IV) provides contact information for the local liaison for homeless children and youths and the State Coordinator for Education of Homeless Children and Youths;

(ii)(I) provide assistance to the parent or guardian of each homeless child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of schools, as provided in subsection (g)(3)(A); and

(II) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

(iii) ensure that the parent or guardian (or, in the case of an unaccompanied youth, the youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

(iv) demonstrate in the school's application for funds under this subtitle that such school —

(I) is complying with clauses (i) and (ii); and

(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with sections 1111 and 1116 of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

(D) SCHOOL INELIGIBILITY- A separate school described in subparagraph (B) that fails to meet the standards, regulations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS- For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B)(ii) shall —

(i) implement a coordinated system for ensuring that homeless children and youths —

(I) are advised of the choice of schools provided in subsection (g)(3)(A);

(II) are immediately enrolled, in accordance with subsection (g)(3)(C), in the school selected under subsection (g)(3)(A); and

(III) are promptly provided necessary services described in subsection (g)(4), including transportation, to allow homeless children and youths to exercise their choices of schools under subsection (g)(3)(A);

(ii) document that written notice has been provided —

(I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school under subparagraph (B); and

(II) in accordance with subsection (g)(6)(A)(v);

(iii) prohibit schools within the agency's jurisdiction from referring homeless children or youths to, or requiring homeless children and youths to enroll in or attend, a separate school described in subparagraph (B);

(iv) identify and remove any barriers that exist in schools within the agency's jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and

(v) not use funds received under this subtitle to establish —

(I) new or additional separate schools for homeless children or youths; or

(II) new or additional sites for separate schools for homeless children or youths, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.

(F) REPORT-

(i) PREPARATION- The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph. The report shall contain, at a minimum, information on —

(I) compliance with all requirements of this paragraph;

(II) barriers to school access in the school districts served by the local educational agencies; and

(III) the progress the separate schools are making in integrating homeless children and youths into the mainstream school environment, including the average length of student enrollment in such schools.

(ii) COMPLIANCE WITH INFORMATION REQUESTS- For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinator for Education of Homeless Children and Youths established in the State under subsection (d)(3), and shall comply with any requests for information by the Secretary and State Coordinator for such State.

(iii) SUBMISSION- Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall submit the report described in clause (i) to —

- (I) the President;
- (II) the Committee on Education and the Workforce of the House of Representatives; and
- (III) the Committee on Health, Education, Labor, and Pensions of the Senate.

(G) DEFINITION- For purposes of this paragraph, the term covered county¹ means —

- (i) San Joaquin County, California;
- (ii) Orange County, California;
- (iii) San Diego County, California; and
- (iv) Maricopa County, Arizona.

(f) FUNCTIONS OF THE OFFICE OF COORDINATOR- The Coordinator for Education of Homeless Children and Youths established in each State shall —

- (1) gather reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youths, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the programs under this subtitle in allowing homeless children and youths to enroll in, attend, and succeed in, school;
- (2) develop and carry out the State plan described in subsection (g);
- (3) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youths within the State;
- (4) facilitate coordination between the State educational agency, the State social services agency, and other agencies (including agencies providing mental health services) to provide services to homeless children, including preschool-aged homeless children, and youths, and to families of such children and youths;
- (5) in order to improve the provision of comprehensive education and related services to homeless children and youths and their families, coordinate and collaborate with —
 - (A) educators, including child development and preschool program personnel;
 - (B) providers of services to homeless and runaway children and youths and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youths);
 - (C) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and
 - (D) community organizations and groups representing homeless children and youths and their families; and
- (6) provide technical assistance to local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of section 722(e)(3) and paragraphs (3) through (7) of subsection (g).

(g) STATE PLAN-

- (1) IN GENERAL- Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:
 - (A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.
 - (B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their special needs.

- (C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.
- (D) A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youths.
- (E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.
- (F) A description of procedures that ensure that —
 - (i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children in the State;
 - (ii) homeless youths and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services; and
 - (iii) homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs.
- (G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).
- (H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by —
 - (i) immunization and medical records requirements;
 - (ii) residency requirements;
 - (iii) lack of birth certificates, school records, or other documentation;
 - (iv) guardianship issues; or
 - (v) uniform or dress code requirements.
- (I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youths in schools in the State.
- (J) Assurances that —
 - (i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless;
 - (ii) local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youths, to carry out the duties described in paragraph (6)(A); and
 - (iii) the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:
 - (I) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

(II) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

(2) COMPLIANCE-

(A) IN GENERAL- Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

(B) COORDINATION- Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

(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 —

(I) in any case in which a family becomes homeless between academic years or during an academic year; or

(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

(ii) 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.

(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).

(C) ENROLLMENT- (i) The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D).

(D) RECORDS- Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained —

(i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and

(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(E) ENROLLMENT DISPUTES- If a dispute arises over school selection or enrollment in a school —

(i) the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

(iv) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

(F) PLACEMENT CHOICE- The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

(G) SCHOOL OF ORIGIN DEFINED- In this paragraph, the term school of origin' means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

(H) CONTACT INFORMATION- Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

(4) COMPARABLE SERVICES- Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

(A) Transportation services.

(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children

with disabilities, and educational programs for students with limited English proficiency.

(C) Programs in vocational and technical education.

(D) Programs for gifted and talented students.

(E) School nutrition programs.

(5) COORDINATION-

(A) IN GENERAL- Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate —

(i) the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

(ii) with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

(B) HOUSING ASSISTANCE- If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

(C) COORDINATION PURPOSE- The coordination required under subparagraphs (A) and (B) shall be designed to —

(i) ensure that homeless children and youths have access and reasonable proximity to available education and related support services; and

(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

(6) LOCAL EDUCATIONAL AGENCY LIAISON-

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

(i) homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

(ii) homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

(iii) homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

(iv) 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;

(v) public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens;

(vi) enrollment disputes are mediated in accordance with paragraph (3)(E); and

(vii) 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).

(B) NOTICE- State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the local educational agency liaisons.

(C) LOCAL AND STATE COORDINATION- Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.

(7) REVIEW AND REVISIONS-

(A) IN GENERAL- Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).

(B) CONSIDERATION- In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

(C) SPECIAL ATTENTION- Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.

SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

(a) GENERAL AUTHORITY-

(1) IN GENERAL- The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youths.

(2) SERVICES-

(A) IN GENERAL- Services under paragraph (1) —

(i) may be provided through programs on school grounds or at other facilities;

(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youths with nonhomeless children and youths; and

(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not to replace such services provided under such program.

(B) SERVICES ON SCHOOL GROUNDS- If services under paragraph (1) are provided on school grounds, schools —

(i) may use funds under this subtitle to provide the same services to other children and youths who are determined by the local educational agency to be at risk of failing in, or dropping out of, school, subject to the requirements of clause (ii); and

(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in settings within a school that segregate homeless children and youths from other children and youths, except as necessary for short periods of time —

(I) for health and safety emergencies; or

(II) to provide temporary, special, and supplementary services to meet the unique needs of homeless children and youths.

(3) REQUIREMENT- Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

(b) APPLICATION- A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

(1) An assessment of the educational and related needs of homeless children and youths in the area served by such agency (which may be undertaken as part of needs assessments for other disadvantaged groups).

(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

(3) An assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

(5) A description of policies and procedures, consistent with section 722(e)(3), that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youths.

(c) AWARDS-

(1) IN GENERAL- The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

(2) NEED- In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youths enrolled in preschool, elementary, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youths and the ability of the local educational agency to meet such needs. The State educational agency may also consider the following:

(A) The extent to which the proposed use of funds will facilitate the enrollment, retention, and educational success of homeless children and youths.

(B) The extent to which the application —

(i) reflects coordination with other local and State agencies that serve homeless children and youths; and

(ii) describes how the applicant will meet the requirements of section 722(g)(3).

(C) The extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youths.

(D) Such other criteria as the State agency determines appropriate.

(3) QUALITY- In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

(A) The applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs.

(B) The types, intensity, and coordination of the services to be provided under the program.

- (C) The involvement of parents or guardians of homeless children or youths in the education of their children.
 - (D) The extent to which homeless children and youths will be integrated within the regular education program.
 - (E) The quality of the applicant's evaluation plan for the program.
 - (F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youths and their families.
 - (G) Such other measures as the State educational agency considers indicative of a high-quality program, such as the extent to which the local educational agency will provide case management or related services to unaccompanied youths.
- (4) DURATION OF GRANTS- Grants awarded under this section shall be for terms not to exceed 3 years.
- (d) AUTHORIZED ACTIVITIES- A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:
- (1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State academic content standards and challenging State student academic achievement standards the State establishes for other children and youths.
 - (2) The provision of expedited evaluations of the strengths and needs of homeless children and youths, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational and technical education, and school nutrition programs).
 - (3) Professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youths, the rights of such children and youths under this subtitle, and the specific educational needs of runaway and homeless youths.
 - (4) The provision of referral services to homeless children and youths for medical, dental, mental, and other health services.
 - (5) The provision of assistance to defray the excess cost of transportation for students under section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3).
 - (6) The provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged homeless children.
 - (7) The provision of services and assistance to attract, engage, and retain homeless children and youths, and unaccompanied youths, in public school programs and services provided to nonhomeless children and youths.
 - (8) The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.
 - (9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.
 - (10) The provision of education and training to the parents of homeless children and youths about the rights of, and resources available to, such children and youths.
 - (11) The development of coordination between schools and agencies providing services to homeless children and youths, as described in section 722(g)(5).

- (12) The provision of pupil services (including violence prevention counseling) and referrals for such services.
- (13) Activities to address the particular needs of homeless children and youths that may arise from domestic violence.
- (14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.
- (15) The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.
- (16) The provision of other extraordinary or emergency assistance needed to enable homeless children and youths to attend school.

SEC. 724. SECRETARIAL RESPONSIBILITIES.

- (a) REVIEW OF STATE PLANS- In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of homeless children and youths relating to access to education and placement as described in such plan.
- (b) TECHNICAL ASSISTANCE- The Secretary shall provide support and technical assistance to a State educational agency to assist such agency in carrying out its responsibilities under this subtitle, if requested by the State educational agency.
- (c) NOTICE- The Secretary shall, before the next school year that begins after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, create and disseminate nationwide a public notice of the educational rights of homeless children and youths and disseminate such notice to other Federal agencies, programs, and grantees, including Head Start grantees, Health Care for the Homeless grantees, Emergency Food and Shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.
- (d) EVALUATION AND DISSEMINATION- The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.
- (e) SUBMISSION AND DISTRIBUTION- The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.
- (f) DETERMINATION BY SECRETARY- The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 721(1).
- (g) GUIDELINES- The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, school enrollment guidelines for States with respect to homeless children and youths. The guidelines shall describe —
 - (1) successful ways in which a State may assist local educational agencies to immediately enroll homeless children and youths in school; and
 - (2) how a State can review the State's requirements regarding immunization and medical or school records and make such revisions to the requirements as are appropriate and necessary in order to enroll homeless children and youths in school immediately.
- (h) INFORMATION-
 - (1) IN GENERAL- From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding —

- (A) the number and location of homeless children and youths;
 - (B) the education and related services such children and youths receive;
 - (C) the extent to which the needs of homeless children and youths are being met; and
 - (D) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.
- (2) COORDINATION- The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.
- (i) REPORT- Not later than 4 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youths, which shall include information on —
- (1) the education of homeless children and youths; and
 - (2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

SEC. 725. DEFINITIONS.

For purposes of this subtitle:

- (1) The terms enroll' and enrollment' include attending classes and participating fully in school activities.
- (2) The term homeless children and youths' —
 - (A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and
 - (B) includes —
 - (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));
 - (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - (iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).
- (3) The terms local educational agency' and State educational agency' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965.
- (4) The term Secretary' means the Secretary of Education.
- (5) The term State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.
- (6) The term unaccompanied youth' includes a youth not in the physical custody of a parent or guardian.

SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this subtitle, there are authorized to be appropriated \$70,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2007.'.

SEC. 1033. CONFORMING AMENDMENT.

The table of contents of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 note) is amended so that the items relating to subtitle B of title VII read as follows:

Basic Education Circular

Education for Homeless Youth

42 U.S.C. § 11431 et seq.

Date of Issue: February 3, 2010

Date of Review: December 10, 2016, August 19, 2015, September 1, 2011

Purpose

In 1987, Congress passed the Stewart B. McKinney Homeless Assistance Act, (subsequently renamed the McKinney-Vento Homeless Assistance Act) to aid homeless persons. The Act defines the term "homeless children and youths" as individuals who lack a fixed, regular, and adequate nighttime residence. On December 10, 2015, the Every Student Succeeds Act (ESSA) was enacted, amending McKinney-Vento.

Procedures

This Basic Education Circular (BEC) explains the categories of children who are "homeless" and entitled to the protections of the federal law. These categories include:

- i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals;
- ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- iv. "migratory children" who qualify as homeless under federal law because the children are living in circumstances described in clauses (i) through (iii) above. The term "migratory children" means children who are (or whose parent(s) or spouse(s) are) migratory agricultural workers, including migratory dairy workers or migratory fishermen, and who have moved from one school district to another in the preceding 36 months, in order to obtain (or accompany such parents or spouses in order to obtain) temporary or seasonal employment in agricultural or fishing work; and,
- v. "Unaccompanied homeless youth" including any child who is "not in the physical custody of a parent or guardian." This includes youth who have run away from home, been thrown out of their home, been abandoned by parents or guardians, or separated from their parents for any other reason.

Communication and collaboration among education and child welfare professionals is critical to support school stability and continuity for children in out-of-home care. The law requires child welfare and local education agencies to work together to promote school stability and continuity including trying to ensure children remain in the school in which they were enrolled at the time of placement when it is in their best interest. Best practice would suggest that decisions be made collaboratively between school personnel, child welfare agencies and any other individual involved in the child's case including the child, resource parent, child advocate and attorney. It is imperative that caseworkers and school district administration and staff work together to help ensure the educational progress of all students.

Under the Pennsylvania Education for Homeless Children and Youth State Plan, homeless children are defined as "children living with a parent in a domestic violence shelter; runaway children and children, and youth who have been abandoned or forced out of their home by parents or other caretakers; and school-aged parents living in houses for school-aged parents if they have no other available living accommodations."

The McKinney-Vento Act states that it is the policy of Congress that state educational agencies shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths 42 U.S.C. § 11431. Specifically, 42 U.S.C. § 11432(g) (3) (A) indicates that the local educational agency (LEA) shall, according to the child's best interest: In accordance with Section 722 (g) (3) (B) (ii), the local educational agency:

- I. must presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest unless doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;
- II. must consider student-centered factors related to a child's or youth's best interest, giving priority to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth; or
- III. if the LEA determines that it is not in a child's or youth's best interest to attend the school of origin, or the school requested by the parent, guardian, or unaccompanied youth, it must provide a written explanation of the reasons for its determination, in a manner and form that is understandable.

According to the McKinney-Vento Act the term "school of origin" means the school 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).

Homeless Students Residing in Shelters, Facilities or Institutions

Section 1306 of the Pennsylvania Public School Code (24 P.S. §13-1306) deals with the public school admission of nonresident students living in shelters, facilities or institutions.

Implementing regulations for Section 1306 are found in Section 11.18 of the State Board of Education regulations. 22 Pa. Code § 11.18 (a) addresses the public school admission of nonresident children who live in an institution, shelter or custodial care facility:

- a. *The board of school directors of a school district in which there is located a licensed shelter, group home, maternity home, residence, facility, orphanage or other institution for the care or training of children or adolescents, shall admit to the district's public schools school age children who are living at or assigned to the facility or institution and who are residents of the district or another school district in this Commonwealth.*

22 Pa. Code § 11.18, as it applies to homeless children and youth, includes within the definition of "licensed shelter" those facilities which provide temporary shelter for a specified, limited period of time. Therefore, children in temporary shelters and children who "lack a fixed, regular, adequate night time residence" – homeless children – are entitled to free school privileges from either the school district in which their person or the shelter is located or the school district of origin.

Homeless Students Not Residing in a Shelter, Facility or Institution

Homeless students may reside in hotels, motels, cars, tents or temporarily doubled-up with a resident family because of lack of housing. In determining residence and in the case of homeless children, equating "residence" and "domicile" (home) does not apply. They are presently unable to establish "homes" on a permanent basis. Homeless families are not required to prove residency regarding school enrollment. These students should be enrolled without delay, in the district where they are presently residing or continue their education in the district of prior attendance.

Children experiencing homelessness are often highly mobile and may not stay in the same school district each night or each week. This is particularly true regarding children who stay overnight in vehicles, those who stay with different family members or friends, or those who receive services from agencies, organizations or networks which facilitate overnight accommodations in multiple school districts. These children should not be forced to change school districts every time their overnight accommodations change. Rather, these children are entitled to attend school in any school district where a parent, guardian, an adult caring for them or where an unaccompanied child:

- Spends the greatest percentage of his or her time; or
- Has a substantial connection such as where he or she is
 - regularly receiving day shelter or other services involving any of the 16 McKinney-Vento Activities (42 U.S.C. 11433(d)) for individuals who are homeless;
 - conducting daily living activities; or
 - staying overnight on a recurring basis.

This policy helps maintain continuity and school stability for homeless children in compliance with the McKinney-Vento Act.

The child or youth shall continue to be enrolled in the school in which he or she is seeking enrollment until the complaint or appeal is fully resolved by a McKinney-Vento coordinator, state coordinator, through mediation or in court.

School Placement

The McKinney-Vento Act requires that, "local educational agencies will designate an appropriate staff person, who may also be a coordinator for other federal programs, as a local educational agency liaison for homeless children and youth." This person has the following responsibilities:

1. Identify homeless children and youths with assistance by school personnel and through coordination activities with other entities and agencies.
2. Inform parents or guardians of educational rights and related opportunities available to their children, including Head Start programs (including Early Head Start programs), early intervention services under Part C of the IDEA, other preschool programs administered by the LEA, and provide them with meaningful opportunities to participate in the education of their children.
3. Disseminate public notice of the educational rights of homeless students where children and youths receive services under the McKinney-Vento Act (such as schools, family shelters and food pantries).
4. Mediate enrollment disputes in accordance with the Enrollment Dispute section.

5. Inform the parent or guardian of a homeless child, youth and any unaccompanied youth, of all transportation options, including to the school of origin, and assist in accessing these transportation services.
6. Liaisons are required to ensure that unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement.
7. Liaisons are required to assist children and youths who do not have documentation of immunizations or medical records to obtain necessary immunizations or necessary medical documentation.
8. Understand the guidance issued by the Pennsylvania Department of Education (PDE) for the education of homeless students and be ready to explain the BEC related to homeless education to school district staff.
9. Get to know the best resources in their community to assist families with referrals for things such as shelter, counseling, food and transportation.
10. Distribute information on the subject of homeless students and arrange staff development workshops and presentations for school personnel, including office staff.
11. Provide standard forms and information about enrollment procedures and key school programs to each shelter in their district.
12. Become familiar with the various program materials that are available from PDE.
13. Ensure that public notice of the educational rights of homeless students is disseminated in locations frequented by parents and guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchen, in a manner and form understandable to the parents and guardians and unaccompanied youth.
14. Liaisons must collaborate with a school district's special education program to ensure that homeless children who are in need of special education and related services are located, identified and evaluated. This is a requirement under the Individual with Disabilities Education Act (IDEA), which mandates that highly mobile children with disabilities, including homeless children, be identified and served. Liaisons should also ensure that homeless youths who have or may have disabilities have a parent or a surrogate parent to make special education or early intervention decisions. In the case of unaccompanied homeless youth, if a student is disabled or may be disabled and the youth does not have a person authorized to make special education decisions, the following people can be temporary surrogate parents: staff in emergency shelters; transitional shelters; independent living programs; street outreach programs; and state, local educational agency or child welfare agency staff involved in the education or care of the child. This rule applies only to unaccompanied homeless youth.
15. Liaisons should also identify preschool-aged homeless children by working closely with shelters and social service agencies in their area. In addition, the liaison should inquire, at the time they are enrolling homeless children and youths in school, whether the family has preschool-aged children.

16. Liaisons can identify unaccompanied homeless youth while respecting their privacy and dignity by providing specific outreach to areas where eligible students who are out of school may congregate.
17. Liaisons ensure that unaccompanied youths are enrolled in school, and have opportunities to meet the same challenging state academic standards as the state establishes for other children and youths, are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (HEA) (20 U.S.C 1087vv), and their right to receive verification of this status from the local liaison.

Appropriate school placement arrangements, based on the child's best interest, should be implemented through the cooperative efforts of the respective chief school administrators. Each case presents a unique set of circumstances and, therefore, requires an individualized response. In all cases, the LEA shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection, shall attempt to minimize disruptions and shall maintain the highest possible degree of continuity in programs for all homeless students. The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

Homelessness alone is not a reason to separate students from the mainstream school environment. Homeless children and youths should have access to education and other services that they need to ensure that they have an opportunity to meet the same challenging state student performance standards to which all students are held.

In determining the *best interest* of the child or youth under McKinney-Vento Act, the LEA shall:

- I. Continue the child's or youth's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or
- II. Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

The selected school shall immediately enroll the child or youth in school, *even if the child or youth lacks records normally required for enrollment*, such as previous academic records, medical records, proof of residency or other documentation. Section 722 (g)(3)(C) (i)(II) requires that a school selected based on a homeless child's or youth's best interest must immediately enroll such child or youth even if he or she has missed application or enrollment deadlines during any period of homelessness.

The terms "enroll" and "enrollment" are defined as attending classes and participating fully in school activities. The enrolling school must immediately contact the last school attended to obtain relevant records.

In order to ensure immediate enrollment, in accordance with Section 722 (g)(6)(A)(ix), the LEA liaison is required to: train school enrollment staff about the legal requirement that homeless children and youths be immediately enrolled and provided transportation; review school regulations and policies to ensure that they comply with the McKinney-Vento Act requirements; inform families and youth, in a language they can understand, of their rights;

develop clear, understandable and accessible written explanations of decisions and the right to appeal; and expeditiously follow up on any special education or language assistance needs presented by a student.

School/Health Records

The educating district should immediately enroll and begin to provide instruction. The receiving school district may contact the district of origin for oral confirmation that the child has been immunized. Oral confirmation between professionals is a sufficient basis to verify immunization with written confirmation to follow within 30 days. The instructional program should begin as soon as possible after the enrollment process is initiated and should not be delayed until the procedure is completed. The law specifies that information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be deemed to be directory information. (Section 722 (g)(3)(G)).

According to federal law, "(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D)" 42 U.S.C. §11432(g)(c)(iii).

Title I

Title I of the Elementary and Secondary Education Act (reauthorized December 2015 by the Every Student Succeeds Act) mandates that funds be reserved to serve homeless children. Title I states, "A local educational agency shall reserve such funds as are necessary to provide services comparable to those provided to children in schools funded under this part to serve homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live." Under Title I, homeless children are eligible for services if they are attending schools served by an LEA.

Transportation

The state and its LEAs are required to adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin. If the homeless student continues to live in the area served by the LEA, that LEA must provide or arrange transportation. If the homeless student moves to an area served by another LEA, though continuing his or her education at the school of origin, the LEA of origin and the LEA in which the student is living must agree upon a method to apportion responsibility and costs for transportation to the school of origin. This includes students enrolled in public school Head Start and Early Head Start education programs. If the LEAs cannot agree upon such a method,

the responsibility and costs must be shared equally. Distance, time of year, options available, the effects of a transfer, etc., should all be addressed.

The provision of transportation to the school of origin is based on a students' status as homeless. The provision to remain in the school of origin during the remainder of the academic year is offered to provide for school stability. Local education agencies must continue to provide transportation to and from the school of origin to formerly homeless students who have become permanently housed for the remainder of the academic year during which the child or youth becomes permanently housed. (Section 722(g)(3)(A)(II)).

Fiscal Responsibilities

Fiscal responsibilities apply to all homeless students, whether in regular or special education classes.

The educating district should apply the following criteria when determining fiscal responsibility:

- A. The procedures outlined below will be followed in cases when the education of the child is provided by the district where the homeless student is temporarily living (doubled up, motel, shelter). The procedures shall also apply in cases when the district of prior attendance, where that is not the district the child attended when permanently housed, will educate the child.
 1. Homeless individuals not in facilities (shelters) or institutions, as well as homeless individuals living in hotels, motels, cars, tents, doubled-up with a resident family, shall be reported and reimbursed as resident students;
 2. For homeless individuals in temporary shelters, the educating school district will send a PDE-4605 Determination of District of Residence for Student in Facilities or Institutions in Accordance with Section 1306 of the Pennsylvania Public School Code to the presumed district of residence;
 3. If PDE-4605 is acknowledged by the resident district, the educating district will enter the child on its rolls as a nonresident student from the acknowledging resident school district. The educating district will bill the resident district for tuition and will report membership data according to PDE child accounting procedures; and
 4. If PDE-4605 is disclaimed and a school district of residence cannot be determined, the educating school district should submit a written request to PDE's School Services Office to make a determination regarding the student's "ward of the state" status.

- B. In cases when the education of the child is provided by the district of origin, including preschool children, where that is the district the child attended when permanently housed, that district will continue to educate a homeless student for the period of temporary displacement and should maintain the homeless student on its roll as a resident student. When a child or youth completes the final grade level served by the school of origin, it also includes the designated receiving school at the next grade level for all feeder schools. (Section 722(g)(3)(I)).
- C. In cases when the student becomes permanently housed during the academic year and continues in the school of origin, which is not in the district of new residence, the educating district will continue to educate the formerly homeless student, if requested by the student's parent or guardian, until the end of the academic year and should maintain the homeless student on its roll as a non-resident student. The educating district should advise the new district of residence of its financial responsibility for this student and send a tuition bill.

Categorical Eligibility under the National School Lunch and Breakfast Programs

Effective July 1, 2004, Section 107 of the Child Nutrition and WIC Reauthorization Act of 2004 amended Section 9(b) of the Richard B. Russell National School Lunch Act to make runaway, homeless and migrant children categorically eligible for free meal benefits under the National School Lunch and School Breakfast Programs. The following are guidelines set out by PDE for implementation of this amendment.

1. Homeless, runaway or migratory children are automatically certified as eligible for free meal benefits and can begin receiving free meal benefits upon proper documentation for meals. Please note that documentation as runaway, homeless, or migratory can only be provided by a school district migrant education or homeless education staff.
2. School district migrant education or homeless education staff are responsible for providing proper documentation of a child's status to the food service directors in each school district.

Dispute Resolution Process

Pursuant to the McKinney-Vento Act, every state must develop procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths. 42 U.S.C §11432(g)(1)(C). The state must ensure that LEAs comply with requirements set forth in the McKinney-Vento Act including ensuring immediate enrollment, providing written notice to families concerning school selection, enrollment decisions and providing enrollment and pendency in the school of choice while a dispute is being resolved. 42 U.S.C §11432(g)(2)(A).

PDE has developed the following procedures to govern the resolution of disputes regarding enrollment, school selection, homeless status and complaints of non-compliance with legal requirements pertaining to the education for homeless children and youths:

Level 1 – A dispute may be raised with a LEA.

If a dispute arises over school selection or enrollment, the child or youth involved must immediately be admitted to the school in which they are seeking enrollment, pending resolution of the dispute 42 U.S.C. §11432(g)(3)(E)(i). PDE recommends that the parent, guardian or unaccompanied youth who initiates the dispute contact the LEA liaison for individuals experiencing homelessness as soon as possible after receiving notice of the dispute. If the person initiating the dispute does not contact the LEA liaison directly, the LEA shall be responsible for contacting the LEA liaison regarding the dispute as soon as possible and referring the family or youth involved to the liaison.

The LEA liaison shall ensure that the child or youth is immediately enrolled, explain the dispute resolution process to families and help them to use it 42 U.S.C.

§11432(g)(3)(E)(iii). The LEA shall issue a written disposition of the dispute within 20 business days after the LEA liaison is notified of the dispute. The disposition shall be provided to the parent, guardian or unaccompanied youth and shall explain the basis for the decision and advise the parent, guardian or youth of the right to appeal. 42 U.S.C. §11432(g)(3)(E)(i).

NOTE: The LEA should use and maintain copies of PDE's "Notice of Procedural Safeguards" form (see attached) which ensures that all LEAs (a) inform families of the basis of their decision regarding enrollment or school selection; (b) notifies families of their right to remain in their school of choice pending resolution of the dispute and (c) explains the procedures for challenging the decision of the LEA.

Level 2 – A complaint may be filed with a McKinney-Vento coordinator.

If the parent, guardian or unaccompanied youth is dissatisfied with the LEA's disposition of a dispute or would like to raise any issue of McKinney-Vento Act noncompliance, they may file a complaint or appeal with a McKinney-Vento site or regional coordinator or with the state coordinator. (See attached list which contains contact information for all of the McKinney-Vento coordinators in Pennsylvania). In lieu of filing an appeal with a McKinney-Vento coordinator, a parent, guardian or unaccompanied youth may elect to appeal the LEA decision directly to a court of competent jurisdiction. Participation in the appeal procedure is not required prior to taking legal action.

A regional or site coordinator with whom a complaint or appeal is filed must notify the state coordinator immediately. Upon being notified, the state coordinator will review the complaint or appeal and assign it to a site or regional coordinator for disposition. The coordinator to whom the appeal is assigned may contact, interview and accept documentation from any individual or LEA involved, and shall issue a written disposition within 20 business days after the complaint or appeal has been assigned. The disposition shall be provided to the LEA and the parent, guardian or unaccompanied youth involved. The child or youth shall continue to be enrolled in the school in which he or she is seeking enrollment until the complaint or appeal is resolved or until a disposition from a McKinney-Vento coordinator is received.

The state coordinator may assist in the mediation of disputes directly and may also invite those involved to have the dispute mediated at any time in the process through the Dispute Resolution Program operated by the Commonwealth Office of General Counsel (OGC). The OGC Dispute Resolution Program is a voluntary informal process through which a trained mediator assists in reaching a mutually acceptable resolution.

Participating in mediation is not a waiver of the right to file a lawsuit nor is participation in mediation required prior to taking legal action.

NOTE: The parent, guardian or unaccompanied youth may file a complaint with the McKinney-Vento site, regional or state coordinator on the attached complaint form. However, the use of the attached form is not mandatory. Any dispute raised by a homeless family or youth concerning school enrollment or any other right under the McKinney-Vento Act whether received via telephone, letter or any mode of communication shall be treated as a complaint.

References

Purdon's Statutes

[24 P.S. § 13-1301](#)

[24 P.S. § 13-1302](#)

[24 P.S. § 13-1306](#)

State Board of Education Regulations

[22 Pa. Code § 11.18](#)

Federal Regulations

Elementary and Secondary Education Act, as reauthorized by the [Every Student Succeeds Act](#)
[McKinney-Vento Homeless Assistance Act](#)

US Code

[42 U.S.C. §§11431-11435 \(including section 722\)](#)

[20 U.S.C 1087vv](#)

Other

[Pennsylvania Education for Homeless Children and Youth State Plan \(PDF\)](#)

[U.S. Dept. of Education Guidelines – Homeless Children and Youth Programs](#)

[OGC Dispute Resolution Program](#)

[Determination of District of Residence for Students in Facilities or Institutions \(PDE-4605\) \(PDF\)](#)

Attachments

[Procedural Safeguards Notice of Denial of Enrollment \(PDF\)](#)

[Enrollment Complaint to PA Department of Education \(Word\)](#)

[Pennsylvania McKinney-Vento Coordinators \(State, Regional & Site\)](#)

Bureau/Office Contacts

Education for Homeless Children and Youth Program

Bureau of Curriculum, Assessment, and Instruction
Pennsylvania Department of Education
333 Market Street, 3rd Floor
Harrisburg, PA 17126-0333
Phone: 717-783-6466

Child Accounting questions should be referred to:

Bureau of Budget and Fiscal Management
Division of Subsidy Data and Administration
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333
Phone: 717-787-5423

Transportation questions should be referred to:

Bureau of Budget and Fiscal Management
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For additional information, please contact:

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