

No. 253

SECTION: PUPILS

TITLE: HOMELESS STUDENTS

ADOPTED: September 11, 2018

CATASAUQUA AREA SCHOOL DISTRICT

253 — HOMELESS STUDENTS		1
1. Authority 42 U.S.C. § 11431 <i>et seq.</i> , 34 CFR § 299.19, School Code § 1306; 22 Pa. Code § 11.18	The Board recognizes the need to promptly identify homeless children and youths within the school district, facilitate their immediate enrollment, and eliminate existing barriers to their attendance and education, in compliance with federal and state laws and regulations.	2 3 4 5 6 7
	The Board shall ensure that homeless children and youths have equal access to the same educational programs and services provided to other District students.	8 9 10
	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.	11 12 13 14 15
42 U.S.C. §§ 11431, 11432	It is the policy of the Board that no student shall be discriminated against, segregated, or stigmatized based on his/her homeless status.	16 17 18 19
2. Definitions	When used in this policy, the terms described in this part 2 shall have the following meanings:	20 21 22
42 U.S.C. § 11434a	Enroll or Enrollment – means attending classes and participating fully in school activities.	23 24 25
42 U.S.C. § 11434a; 34 CFR § 200.30	Homeless children and youths – means individuals who lack a fixed, regular and adequate nighttime residence, and includes:	26 27 28 29
	1. Children and youths who are:	30
	a. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;	31 32 33
	b. Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;	34 35 36
	c. Living in emergency, transitional, or domestic violence shelters; or	37 38
	d. Abandoned in hospitals;	39

- 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.

42 U.S.C. § 11432(g)(3)(I)

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, 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.

42 U.S.C. § 11432a

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.

3. Delegation of Responsibility

The Board designates the Superintendent or his/her designee as the District’s liaison for homeless children and youths.

42 U.S.C. § 11432

The District’s liaison shall ensure outreach and coordination with:

- 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,
- 3. District staff responsible for the provision of services under section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act.
- 4. State and local housing agencies responsible for comprehensive housing affordability strategies.

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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.

This 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.

4. Guidelines

A. *Enrollment/Placement.*

42 U.S.C. § 11432(g)(3)(B)

1. Best Interest Determination

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

- a. 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.
- b. 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.
- c. 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.

42 U.S.C. § 11432(g)(3)(A)

2. 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 he/she remains homeless and through the end of the academic year in which he/she obtains permanent housing.

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Parents/guardians of a homeless student may request enrollment in the school in the attendance area where the student is actually living or other school.

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 he/she will be enrolled.

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.

42 U.S.C. §§
11432(g)(3)(C),
11431 *et seq.*

3. Enrollment

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

- a. The student is unable to produce records normally required for enrollment.
- b. The application or enrollment deadline has passed during any period of homelessness.

The District’s liaison shall immediately contact the school last attended by the child or youth to obtain relevant academic or other records.

The District may require a parent/guardian to submit contact information.

42 U.S.C. §
11432

4. 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.

42 U.S.C. §
11432(g)(3)(E)

5. Dispute Resolution

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

- a. The parent/guardian or unaccompanied youth shall be referred to the District’s liaison, who shall explain the dispute resolution process and help them to use it.

- b. The student shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.
- c. The District’s liaison shall issue a written decision of the dispute within twenty (20) business days after being notified of the dispute. The written decision shall be provided to the parent, guardian, or unaccompanied youth, shall explain the basis for the decision, and advise them of the right to appeal. The District’s liaison should use the attached Procedural Safeguards Notice of Denial of Enrollment form when notifying parents/guardians/unaccompanied youth of any decision denying enrollment.

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. They may also elect to appeal the District’s decision directly to a court of competent jurisdiction. Participation in the appeal procedure is not required prior to presenting the dispute to a court.

42 U.S.C. § 11432(g)(3)(G)

B. *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), 20 U.S.C. § 1232g, and shall not be deemed to be directory information.

42 U.S.C. § 11432(g)(4)

C. *Comparable Services.*

Homeless students shall be provided services comparable to those offered to other District students, including, but not limited to:

- 1. Transportation services.
- 2. School nutrition programs.
- 3. Career and technical education.
- 4. Preschool programs.

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- 5. Educational programs for which the homeless student meets the eligibility criteria, such as:
 - a. Services provided under Title I of the Elementary and Secondary Education Act of 1965 or similar state or local programs.
 - b. Programs for English Language Learners.
 - c. Programs for students with disabilities.
 - d. Programs for gifted and talented students.

42 U.S.C. § 11432; School Code § 1306

D. *Transportation.*

The District shall provide transportation for homeless students to their school of origin or the school they choose to attend within the District.

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

42 U.S.C. § 11432

E. *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.

The District’s liaison shall arrange professional development programs for school staff, including office staff.

School personnel providing services to homeless children and youths, including school enrollment staff, shall receive professional development and support to:

- 1. Improve identification of homeless children and youths and unaccompanied youths;
- 2. Understand the rights of such children, including requirements for immediate enrollment and transportation; and
- 3. Heighten the awareness of, and capacity to respond to, the educational needs of such children.

PROCEDURAL SAFEGUARDS NOTICE OF DENIAL OF ENROLLMENT

To be completed by a school whenever an enrollment or school selection request of a student experiencing homelessness is denied:

Date: _____

Name and Title of School Employee Completing Form:

Requested School: _____

School District: _____

(This may be the school the child was attending when they became homeless, the school the child is currently attending or the school where the child is now living)

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Assistance Act, the following **written notification** is provided to:

Parent or Guardian or Youth: _____

After receiving your request for enrollment or school selection for the student(s) listed above, **we hereby provide notice that the request is denied. The reason for this determination is the following:**

The school district hereby notifies the parent or guardian of the student or the unaccompanied youth of the following rights:

- The student has the right to **enroll immediately** in the requested or preferred school pending full resolution of the dispute.
- If the student(s) want to remain in the same school they were attending or the school they attended when they first became homeless, the student is **entitled to transportation** back to the prior school pending full resolution of the dispute if the placement (including any transportation involved) is feasible, reasonable and in the best interest of the student.

- **You have the right to appeal this decision.** You may do so by completing the second page of this notice (Complaint Form) or by contacting Pennsylvania’s McKinney-Vento Homeless state coordinator by phone at (717) 783-6468.
- The family/unaccompanied youth can challenge the school district’s decision by providing additional written material or by discussing the matter with the school, school district personnel, McKinney-Vento school district liaison or McKinney-Vento regional or site coordinator.
- The McKinney-Vento school district liaison can assist the family or youth in appealing the school district’s decision. A copy of Pennsylvania’s Homeless Children’s Initiative Complaint Form is attached.
- The family/youth can have an advocate or attorney handle the matter.
- You may also ask for help from the Commonwealth’s Office of General Counsel’s
- Dispute Resolution Program. This is a voluntary informal mediation process through which a trained impartial mediator helps parties reach a mutually acceptable resolution. Using mediation does not waive a family/youth’s right to file a lawsuit before or after the mediation. For more information go to:
http://www.ogc.state.pa.us/portal/server.pt/community/dispute_resolution/4415.

Name of school district’s homeless liaison involved in the decision:

Title: _____ Phone: _____

Name of McKinney/Vento regional coordinator consulted in making this determination:

I hereby confirm that I received this notice:

(Signature of parent, guardian or unaccompanied youth)



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 services 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