

HOMELESS CHILDREN HAVE THE RIGHT TO A FREE, APPROPRIATE PUBLIC EDUCATION

(McKinney-Vento Homeless Education Assistance Improvements Act of 2001)

Who is considered homeless?

Children or youth and their families living in a shelter, transitional housing, motel, vehicle, campground, on the street, or doubled up with relatives or friends due to a lack of housing are considered to be homeless.



Does residency have to be proven?

No, because homeless families are unable to establish a "home" on a permanent basis, a school cannot require proof of residency that might prevent or delay the enrollment of school-age children.

What choice of schools do homeless students have?

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 child or youth is actually living are eligible to attend."

Is there any reason to delay enrolling a homeless child?

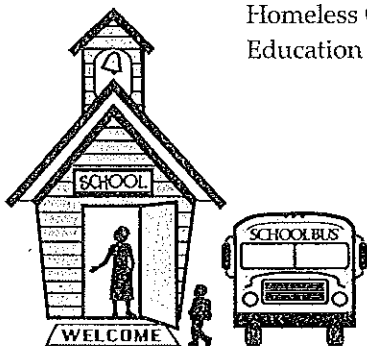
No. The school selected shall immediately enroll the child/youth in school, even if the child or youth lacks records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. The terms "enroll" and "enrollment" are defined to include attending classes and participating fully in school activities. The enrolling school must immediately contact the last school attended to obtain relevant academic and other records.

Immunization records can be transferred over the phone from the school nurse of the sending school to the school nurse of the receiving school.

Where can you call for assistance?

The Homeless Children's Initiative exists to help homeless children with a wide variety of services. We can assist homeless children during this time of change and stress. If you are homeless with school-age children or you are a school, agency or shelter employee, please call one of the persons or agencies listed on the back of this poster.

1. Call the local school district Homeless Liaison. If you do not know the name of the Homeless Liaison, call the Superintendent's office for the name and number.
2. The state's 8 regional McKinney-Vento homeless sites are listed on the back side of this poster.
3. Call (717) 783-6468 to reach the State Coordinator for the Education for Homeless Children and Youth Program in the Pennsylvania Department of Education if you require further assistance.



Pennsylvania's
Homeless Children's Initiative

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"Dedicated to Meeting the Needs of
Pennsylvania's Homeless Children"

Twin Valley School District

No. 200

SECTION(S): PUPIL POLICIES
TITLE: ENROLLMENT OF STUDENTS
ADOPTED: August 16, 2010
REVISED:

1		200 – ENROLLMENT OF STUDENTS	1
2			2
3	1. Authority	The district shall enroll eligible school age students in	3
4	SC 1301, 1302	accordance with Board policy and applicable laws and	4
5	Title 22	regulations. The entitlement and requirements to secure	5
6	Sec. 11.11,	enrollment shall apply equally to resident students residing	6
7	11.41	with their parents/legal guardians; emancipated minors;	7
8	Pol. 201, 202	nonresident students living with a district resident who is	8
9		supporting the child gratis, including students residing in the	9
10		district as the result of the military deployment of a	10
11		parent/guardian; children living with pre-adoptive parents	11
12		who reside in the district; nonresident students living in a	12
13		facility or institution within the district; and nonresident	13
14		students living in a foster home.	14
15			15
16	2. Definitions	School age shall be defined as the period from the earliest	16
17	SC 1301	admission age for the district's kindergarten program until	17
18	Title 22	graduation from high school or the end of the school term in	18
19	Sec. 11.12	which the student reaches the age of twenty-one (21) years,	19
20		whichever occurs first.	20
21			21
22	SC 1302	District of residence shall be defined as the school district	22
23	Title 22	in which a student's parent/legal guardian resides.	23
24	Sec. 11.11		24
25			25
26		An emancipated minor shall be defined as a student under	26
27		the age of twenty-one (21) who has established a domicile	27
28		apart from the continued control and support of a	28
29		parent/guardian. Emancipation of a minor is a question of	29
30		fact, which is not presumed and is not solely dependent upon	30
31		the employment status of the minor. The burden of	31
32		establishing emancipation is on the student seeking	32
33		emancipated status.	33
34			34
35	Pol. 251	Unaccompanied homeless youth shall be defined as any	35
36		child who is not in the physical custody of a parent/guardian,	36
37		including students who have run-away from home, been	37
38		thrown out of their home or abandoned or separated from	38
39		their parent/guardian.	39
40			40
41	Pol. 251	In accordance with the provisions of this policy and	41
42		applicable law and regulation, homeless children are those	42
43		who lack a fixed, regular and adequate nighttime residence	43
44		and include children who are sharing the housing of other	44
45		individuals due to loss of housing, economic hardship or	45
46		other significant reasons. Included within the definition of	46
47		homeless children are youth awaiting foster care placement	47
48		and unaccompanied homeless youth.	48
49			49
50			50

1	3. Guidelines	<u>Enrollment Requirements</u>	1
2			2
3	SC 1301, 1302	A school age child shall be entitled to attend the schools of	3
4	Title 22	his/her district of residence.	4
5	Sec. 11.11, 12.1		5
6			6
7	Title 22	The district shall normally enroll an eligible school age	7
8	Sec. 11.11	student the next business day, but no later than five (5)	8
9		business days after application.	9
10			10
11	SC 1301, 1302,	The district shall not enroll a student until the	11
12	1303a	parent/guardian has supplied:	12
13	Title 22		13
14	Sec. 11.11	1. Proof of the child's age.	14
15	Pol. 203		15
16		2. Acceptable documentation of immunizations as required	16
17		by law.	17
18			18
19		3. Proof of residency (the district may require more than one	19
20		(1) form of residency confirmation).	20
21			21
22	42 U.S.C.	In verifying residency, the district shall require only such	22
23	Sec. 11432	information as is deemed reasonable in light of a family's	23
24	Pol. 251	circumstances. The district shall immediately enroll identified	24
25		homeless students, even if the student or parent/guardian is	25
26		unable to produce the required documents, in accordance	26
27		with Board policy and applicable law.	27
28	Title 22		28
29	Sec. 11.11	The district shall not inquire as to the immigration status of a	29
30		student as part of the enrollment process.	30
31			31
32	SC 1304-A	In addition to the requirements for registration set forth	32
33	Pol. 216.1	above, the parent/guardian must submit a parent	33
34		registration statement attesting to whether the student has	34
35		been or is suspended or expelled for offenses involving drugs,	35
36		alcohol, weapons, and/or infliction of injury or violence on	36
37		school property	37
38			38
39		Upon enrollment, the district shall contact the student's	39
40		former school and request a certified copy of the student's	40
41		education records. The district shall enroll eligible students	41
42		within five (5) business days of application regardless of	42
43		receipt of records from previous districts.	43
44			44
45		The district shall not deny or delay a student's enrollment	45
46	Pol. 216.1	based upon information contained in the student's certified	46
47		disciplinary record or parent registration statement, but may	47
48		provide alternative education services to students who have	48
49		committed weapons offenses or are currently expelled from	49
50		another school, in accordance with applicable law.	50

1	Title 22	The district shall administer a home language survey to all	1
2	Sec. 11.11	students enrolling in the district's schools for the first time.	2
3	Pol. 138		3
4			4
5		When the parents of a student reside in different school	5
6		districts, the student may attend the school district of	6
7		residence of the parent with whom the student lives for a	7
8		majority of the time, unless a court order or court approved	8
9		custody agreement specifies otherwise.	9
10			10
11		A student may only have one (1) school district of residence. If	11
12		the parents of a child share joint custody and the child's time	12
13		is evenly divided between the residences of each parent, the	13
14		parents may select one of the school districts and enroll the	14
15		child in that district.	15
16			16
17		If the individual enrolling the child is relying on a court order	17
18		or custody agreement as the basis for enrolling the child, the	18
19		district may require submission of the court order or custody	19
20		agreement. The district shall not require submission of a	20
21		custody order or agreement as a condition of enrollment under	21
22		any other circumstance.	22
23			23
24		A resident's receipt of Supplemental Security Income (SSI),	24
25		Transitional Assistance for Needy Families (TANF), preadoptive	25
26		or adoptive support, maintenance on public or private health	26
27		insurance, support from the United States military or military	27
28		personnel or child support payments shall not be deemed to	28
29		be personal compensation or gain.	29
30			30
31		<u>Enrollment And Placement Of Twins And Higher Order</u>	31
32		<u>Multiple Siblings</u>	32
33			33
34	SC 1310.1	Twins or higher order multiple siblings shall be enrolled in the	34
35	Pol. 206	district in the same manner as all other students. Placement	35
36		of twins or higher order multiple siblings in particular	36
37		classrooms within the district shall be determined in	37
38		accordance with applicable law.	38
39			39
40			40
41		References:	41
42			42
43		School Code – 24 P.S. Sec. 1301, 1302, 1303a, 1304-A, 1310.1	43
44			44
45		State Board of Education Regulations – 22 PA Code Sec.	45
46		11.11, 11.12, 11.41, 12.1	46
47			47
48		Education for Homeless Children – 42 U.S.C. Sec. 11431 et seq.	48
49			49
50		Board Policy – 138, 201, 202, 203, 206, 216.1, 251	50
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Twin Valley School District

No. 113

SECTION(S): PROGRAMS
TITLE: SPECIAL EDUCATION
ADOPTED: May 17, 2010
REVISED:

		No. 113 SPECIAL EDUCATION	
1			1
2			2
3	1. Purpose	The district shall offer education programs and services that	3
4	Title 22	appropriately meet the students' needs for educational,	4
5	Sec. 4.28, 12.1,	instructional, transitional and related services to each	5
6	12.4,	student with a disability. A student who requires special	6
7	14.102,	education shall receive programs and services according to	7
8	14.104	an individualized education program (IEP). The IEP shall	8
9	34 CFR	provide access to the district's general curriculum and	9
10	Sec. 300.1	participation in state and local assessments, including	10
11		supplemental aids and services that permit the student to be	11
12		educated, to the maximum extent appropriate, with their	12
13		nondisabled peers. The district shall provide a continuum of	13
14		placement options to appropriately meet the needs of	14
15		students with disabilities.	15
16	2. Definitions		16
17	SC 502	Students with disabilities - school-aged children within the	17
18	Title 22	jurisdiction of the district who have been evaluated and	18
19	Sec. 14.101	found to have one or more disabilities as defined by law, and	19
20	20 U.S.C.	who require, because of such disabilities, special education	20
21	Sec. 1401	and related services. School-aged children who have	21
22	34 CFR	identified disabilities but do not require special education	22
23	Sec. 300.8	may be entitled to accommodations or services or to enroll in	23
24	Pol. 103.1	courses of study in the district which serve students with	24
25		disabilities pursuant to other law or Board policy.	25
26	Title 22		26
27	Sec. 14.131		27
28	34 CFR		28
29	Sec. 300.320-	Individualized Education Program (IEP) - the written	29
30	300.324	educational statement for each student with a disability that	30
31		is developed, reviewed and revised in accordance with federal	31
32		and state laws and regulations.	32
33			33
34	3. Authority	The Board directs that all students with disabilities shall be	34
35	SC 1372	identified, evaluated, and provided with appropriate	35
36	Title 22	educational programs and services, in accordance with	36
37	Sec. 4.28, 12.1,	federal and state laws and regulations. The district shall	37
38	12.41,	establish and implement a system of procedural safeguards	38
39	14.101 et seq	and parent/guardian notification as part of its Special	39
40	20 U.S.C.	Education Plan.	40
41	Sec. 1400 et seq		41
42	29 U.S.C.		42
43	Sec. 794		43
44	42 U.S.C.		44
45	Sec. 12101 et seq		45
46	34 CFR		46
47	Part 300		47
48			48
49			49
50			50

1	Title 22	The district's Special Education Plan shall include	1
2	Sec. 4.13, 14.104	procedures for identifying and educating students with	2
3	Pol. 100	disabilities and shall be aligned with the Strategic Plan	3
4		adopted by the Board.	4
5			5
6	SC 1372	The Board shall determine the facilities, programs, services	6
7	Title 22	and staff that shall be provided by the district for the	7
8	Sec. 14.104	instruction of students with disabilities, based upon the	8
9		identified needs of the district's special education	9
10		population.	10
11			11
12	Title 22	In order to maintain an effective Special Education Plan, the	12
13	Sec. 14.104	Board may participate in special education programs of	13
14		Intermediate Units PaTTAN, and PSBA.	14
15			15
16	4. Delegation of	The Superintendent or designee is directed to annually	16
17	Responsibility	recommend to the Board the employment and retention of	17
18		necessary staff and provision of required facilities, programs	18
19		and services to provide for the needs of students with	19
20		disabilities.	20
21			21
22	5. Guidelines	The Superintendent or designee shall develop procedures for	22
23	Title 22	evaluating the effectiveness of the district's Special	23
24	Sec. 4.28, 14.145	Education Plan and shall periodically report to the Board the	24
25	20 U.S.C.	criteria and results of such evaluation.	25
26	Sec. 1414		26
27	34 CFR		27
28	Sec. 300.320-		28
29	300.327		29
30			30
31			31
32	Pol. 103, 103.1	The district prohibits discrimination based on disability.	32
33		Students with disabilities are entitled to receive services and	33
34		accommodations which will permit them to participate in	34
35		district programs, services and activities as required by law.	35
36			36
37	Title 22	The district's Special Education Plan shall comply with the	37
38	Sec. 14.104	requirements of state and federal law and regulations. The	38
39	34 CFR	district shall establish procedures to ensure the plan is	39
40	Sec. 300.201	updated and implemented as necessary. The Special	40
41	et seq	Education Plan shall address:	41
42			42
43		1. Educational plans	43
44			44
45		2. Child find	45
46			46
47		3. Identification of special education programs that operate	47
48		in the district, those operated in the district by the	48
49		Intermediate Units, vocational schools and other	49
50		agencies.	50

1		4. Staff and parent/guardian training	1
2			2
3		5. Assessments	3
4			4
5		6. Screening	5
6			6
7		7. Criteria the district will use to identify specific learning disabilities	7
8			8
9			9
10		8. Evaluation	10
11			11
12		9. Re-evaluation	12
13			13
14		10. Individualized Education Programs (IEPs), including examples of supplementary aids and services provided	14
15			15
16			16
17		11. Extended School Year services (ESY)	17
18			18
19	Pol. 113.2	12. Behavior support	19
20			20
21		13. A full continuum of educational placements and evidence that placements in other than regular education settings are not based on lack of resources, facilities, staff or for administrative convenience	21
22			22
23			23
24			24
25			25
26	Pol. 113.1	14. Disciplinary placements	26
27			27
28		15. Facilities	28
29			29
30		16. Early intervening services, if provided by the district	30
31			31
32		17. Procedural safeguards	32
33			33
34		18. Confidentiality of information	34
35			35
36		19. Highly qualified staff	36
37			37
38		20. Maintenance of information concerning students with disabilities, services provided, performance and discipline data, and report information as required by the Secretary of the Department of Education	38
39			39
40			40
41			41
42			42
43	Title 22	If the district is defined with significant disproportionality,	43
44	Sec. 14.104	Special Education Plan shall include prevention measures for inappropriate over-identification and disproportionate representation by race or ethnicity of children with disabilities.	44
45			45
46			46
47			47
48			48
49			49
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1		<u>Child Find/Outreach</u>	1
2			2
3	Title 22	The Superintendent or designee shall ensure that the district	3
4	Sec. 14.121	annually conducts awareness and outreach programs and	4
5	34 CFR	activities designed to reach district residents including	5
6	Sec. 300.111	parents/guardians of students with disabilities who are	6
7		enrolled in the district, preschool-aged children, students	7
8		who attend private schools, homeless children and children	8
9		who are wards of the state.	9
10			10
11		The district's public awareness activities shall include annual	11
12		publication of a written notice in newspapers and other media	12
13		notifying residents about child identification activities;	13
14		available special education services and programs and how to	14
15		request them; and procedures used to ensure confidentiality	15
16		of student information. Written information shall be	16
17		published in district handbooks and on the district web site.	17
18		Public awareness activities must include information	18
19		regarding potential signs of developmental delays and other	19
20		risk factors that could indicate disabilities.	20
21			21
22		The Intermediate Unit shall be responsible for conducting	22
23		child find activities necessary to provide equitable	23
24		participation services to students with disabilities who are	24
25		enrolled by their parents/guardians in private schools.	25
26			26
27		<u>Screening</u>	27
28			28
29	Title 22	The district shall establish a system of screening, including	29
30	Sec. 14.122	hearing and vision screenings. Screenings shall be conducted	30
31	Pol. 209	at reasonable intervals to determine whether all students are	31
32		performing based on grade-appropriate standards in core	32
33		academic subjects.	33
34			34
35		<u>Confidentiality</u>	35
36			36
37	Title 22	The district shall maintain a system of safeguards to protect	37
38	Sec. 15.9	the confidentiality of students' educational records and	38
39	34 CFR	personally identifiable information when collecting, storing,	39
40	Sec. 300.611-	disclosing and destroying student records.	40
41	300.627		41
42		District staff shall maintain the confidentiality of student	42
43		records and personally identifiable information, as required	43
44		by law and regulations.	44
45			45
46		The district may release, without parent/guardian consent,	46
47		educational records that the district has designated as	47
48		directory information.	48
49			49
50			50

1	Pol. 216	The district shall obtain written parent/guardian consent	1
2		prior to releasing a student's educational record when prior	2
3		consent is required by law, regulations or Board policy.	3
4			4
5		The district shall notify parents/guardians prior to destroying	5
6		personally identifiable information in a student's record that	6
7		is no longer relevant or necessary for providing educational	7
8		services to the student.	8
9			9
10		<u>Recording Of Meetings</u>	10
11			11
12		Except as specifically provided for within this policy, the	12
13		district prohibits audio, video and electronic recording of	13
14		meetings between parents/guardians and district teachers,	14
15		paraprofessionals, program specialists, consultants or	15
16		administrators.	16
17			17
18		An attempt to record a meeting by a parent/guardian after a	18
19		verbal prohibition by district staff shall result in immediate	19
20		termination of the meeting and may result in ejection from	20
21		district property and possible prosecution.	21
22			22
23		The district shall permit audio recording of a meeting when a	23
24		participant submits, at least five (5) days prior to the meeting,	24
25		documentation that substantiates:	25
26			26
27		1. Participant has a disability that significantly limits	27
28		his/her ability to meaningfully understand or participate	28
29		in the meeting's intended decision-making and recording	29
30		is the only feasible means of accommodating the	30
31		limitation.	31
32			32
33		2. Individual has a legitimate interest in attending the	33
34		meeting but for good cause is unable to do so, and	34
35		recording is the only feasible means by which s/he can	35
36		meaningfully understand and participate in the decision-	36
37		making.	37
38			38
39		The district may permit video-taping of a meeting when	39
40		written consent is given by all participants at the meeting.	40
41			41
42		When an exception to recording a meeting is granted, the	42
43		district employee responsible for the meeting shall arrange to	43
44		record the meeting by similar means. Such recording shall be	44
45		considered part of the student's educational record and be	45
46		subject to relevant law and regulations.	46
47			47
48			48
49			49
50			50

1	References:	1
2		2
3	School Code – 24 P.S. Sec. 502, 1371, 1372	3
4		4
5	State Board of Education Regulations – 22 PA Code Sec. 4.13,	5
6	4.28, 12.1, 12.4, 12.41, 14.101 et seq., 15.9	6
7		7
8	Family Educational Rights and Privacy Act – 20 U.S.C. Sec.	8
9	1232g	9
10		10
11	Individuals With Disabilities Education Act – 20 U.S.C. Sec.	11
12	1400 et seq.	12
13		13
14	Section 504 of the Rehabilitation Act – 29 U.S.C. Sec. 794	14
15		15
16	Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et	16
17	seq.	17
18		18
19	Family Educational Rights and Privacy, Title 34, Code of	19
20	Federal Regulations –	20
21	34 CFR Part 99	21
22		22
23	Individuals With Disabilities Education, Title 34, Code of	23
24	Federal Regulations –	24
25	34 CFR Part 300	25
26		26
27	Pennsylvania Training and Technical Assistance Network –	27
28	www.pattan.net	28
29		29
30		30
31		31
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Education for Homeless Youth

42 U.S.C.A. § 11431 et seq.

DATE OF ISSUE: February 3, 2010

DATE OF REVIEW: 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. The Act explicitly includes within the definition of "homeless children and youths" those who are "awaiting foster care placement."

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; 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;
- (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" 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.
- (v) Children and youths "awaiting foster care placement," which means children who are placed in shelters, emergency foster care, transitional foster care or respite care. These placement settings are intended to be short term, and do not typically last longer than 30 days. However, individual circumstances may, at times, require a longer length of stay. If the placement exceeds 30 days, contact should be made with the child welfare worker and the local McKinney-Vento Coordinator to determine if there is any valid reason to conclude that the child is still "awaiting foster care placement."

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. Local school officials should consult with their Pennsylvania Homeless Children's Initiative Regional, Site, and State Coordinators, whenever necessary to determine, on a case-by-case basis, whether a child is "awaiting foster care placement."

(vi) "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.

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.A. § 11431. Specifically, 42 U.S.C.A. § 11432(g) (3) (A) indicates that the local educational agency (LEA) shall, according to the child's best interest:

- (I) continue the child's or youth's education in the school of origin for the duration of homelessness 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
- (III) 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.

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.A. § 11432(g) (3) (G).

I. 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 Subsection (a) of Section 11.18 addresses the public school admission of nonresident children who live in an institution, shelter or custodial care facility:

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

22 Pa. Code § 11.18

Section 11.18, as it applies to homeless children and youth, includes within the definition of "supervised or licensed shelters" 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.

II. 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
 - (1) regularly receiving day shelter or other services involving any of the 16 McKinney-Vento Activities (42 U.S.C.A. 11433(d)) for individuals who are homeless;
 - (2) conducting daily living activities; or
 - (3) 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.

III. School Placement

The McKinney-Vento Act states, "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 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 your 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 your district;

12. Become familiar with the various program materials that are available from PDE;

13. 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, 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;

14. 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;

15. 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.

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. 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, to the homeless child's or youth's parent or guardian, if the LEA 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 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.

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.

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, the LEA is encouraged 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.

IV. 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.

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. §11432(g)(c)(iii).

V. Title I

Title I of the Elementary and Secondary Education Act I (reauthorized January 2002) 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." Title I also indicates that homeless children are eligible for services if they are attending schools served by an LEA.

VI. 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. 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 student's 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. However, the transportation mandate is for homeless students only. Once a student becomes permanently housed and chooses to remain in their school of origin, it is at the district's discretion to continue to provide or arrange transportation, as appropriate. The district is under no statutory obligation.

VII. 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 district of residence cannot be determined, the child will be considered a ward of the state. The educating district will enter the child on its rolls as a nonresident ward of the state and will report

membership according to PDE child accounting procedures. PDE will pay tuition to the educating district based on membership reported to Child Accounting.

B. In cases when the education of the child is provided by the district of origin, 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.

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.

VIII. Categorical Eligibility for Migrant, Homeless, and Runaway Children 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.

Documentation and Procedures

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.

IX. 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. §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. §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. §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.A. §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. §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. (For more information about OGC's Dispute Resolution Program go to: http://www.ogc.state.pa.us/portal/server.pt/community/dispute_resolution/4415) 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

[22 Pa. Code § 11.18](#)

Federal Statutes

No Child Left Behind Act of 2001

McKinney-Vento Homeless Assistance Act

Other

Pennsylvania Education for Homeless Children and Youth State Plan

U.S. Dept. of Education Guidelines – Homeless Children and Youth Programs

Attachments:

Attachments are PDF versions and need free [Adobe Reader](#)

- [Procedural Safeguards Notice of Denial of Enrollment](#)
- [Enrollment Complaint to PA Department of Education](#)
- [Pennsylvania McKinney-Vento Coordinators](#) (State, Regional & Site)

CONTACT BUREAU/OFFICE:

Education for Homeless Children and Youth Program

Bureau of Teaching and Learning

Pennsylvania Department of Education

333 Market Street, 5th Floor

Harrisburg, PA 17126-0333

Phone: 717-783-6468

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
Division of Subsidy Data and Administration
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333
Phone: 717-787-3195

For additional information, please contact:

Sheldon Winnick | Pennsylvania Department of Education
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The Education of Children in Foster Care or Awaiting Foster Care Placement

Frequently Asked Questions

March 2013



pennsylvania
DEPARTMENT OF EDUCATION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

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Carmen M. Medina, Chief

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If you have any questions about this publication or for additional copies, contact:

Pennsylvania Department of Education
Bureau of Teaching and Learning
Division of Student Services
333 Market Street, 5th Floor
Harrisburg, PA 17126-0333

Voice: (717) 783-6466
Fax: (717) 783-4392
Internet: www.education.state.pa.us

All Media Requests/Inquiries: Contact the Office of Press & Communications at (717) 783-9802

The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Complaints regarding discrimination in schools:

Human Relations Representative
Intake Division
Pennsylvania Human Relations Commission
Harrisburg Regional Office (717) 787-9784
Pittsburgh Regional Office (412) 565-5395
Philadelphia Regional Office (215) 560-2496

Complaints against a Pennsylvania Department of Education employee:

Pennsylvania Department of Education
Equal Employment Opportunity Representative
Bureau of Human Resources
11th Floor, 333 Market Street
Harrisburg, PA 17126-0333
Voice Telephone: (717) 787-4417
Fax: (717) 783-9348
Text Telephone TTY: (717) 783-8445

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Background

It is well documented that frequent school changes are associated with an increased risk of failing a grade or dropping out of school. This is especially true for children who are displaced from their homes and/or separated from their families. Safety nets were designed for these children in federal law, specifically the *Fostering Connections to Success and Increasing Adoptions Act*¹ (*Fostering Connections*) of 2008 and the *McKinney-Vento Act*.

Under *Fostering Connections*, child welfare agencies are required to work in partnership with local school districts to allow the child to remain in the home school unless it is in the child's best interest to change schools. *Fostering Connections* also requires that, when a school change is needed, child welfare agencies promptly enroll children, who are in their care, into school and promptly provide all school records to the new school. Pursuant to *Fostering Connections* child welfare agencies are authorized to use certain federal funds to pay for reasonable expenses for travel to and from the child's home school.

The Pennsylvania Department of Public Welfare's (DPW), Office of Children, Youth, and Families has undertaken several initiatives focused on improving educational outcomes for children in dependent care. These initiatives are outlined in DPW Bulletins, which are referenced in these FAQs, and available in DPW's website at <http://www.dpw.state.pa.us>.

A Basic Education Circular (BEC) issued by the Pennsylvania Department of Education (PDE), entitled *Enrollment of Students*, addresses issues related to enrollment of children in foster care. The BEC strongly encourages school districts to develop agreements with child welfare agencies when it is in the child's best interest to remain in the home school even if the child is placed outside of the home school's attendance area or school district. School districts are encouraged, to develop formal relationships with children and youth agencies, with the specific goal of maintaining school stability.

Since the adoption of *Fostering Connections*, PDE has received many questions from school districts regarding their responsibility for enrollment of children in foster care, the above-mentioned agreements and the provision of transportation. The following FAQs provide guidance to school districts, parents, children and youth agencies both public and private agencies, and interested parties in the development and implementation of comprehensive plans to meet the social, familial, and educational needs of children in foster care.

¹ <http://www.govtrack.us/congress/bill.xpd?bill=h110-6893>

Frequently Asked Questions

1. Q: What school enrollment requirements apply to children in foster care?

A: School districts and charter schools are to follow the same procedures and rules for the enrollment of children in foster care that are outlined for the enrollment of resident students, as stated in the PDE's *Enrollment of Students BEC*. If the child is living in the district, the district shall enroll a foster care child the next business day, but no later than five (5) business days of application. The parent, guardian, or other person having control or charge of the child (which can be the child's foster parent or caseworker) making the application must provide: proof of the child's age; proof that the child is immunized; proof that the child is living in the school district; and a sworn statement that indicates whether the student has been or is suspended or expelled for offenses involving drugs, alcohol, weapons, infliction of injury or violence on school property (24 PS 13-1317.2(e.1)). Educational records may be provided by the child welfare agency, if available, or requested from the student's former school district or charter school. However, receipt of documents other than those stated above cannot be a condition precedent to enrolling the child in the school district. See *Enrollment of Students BEC*: http://www.portal.state.pa.us/portal/server.pt/community/purdon's_statutes/7503/enrollment_of_students/507350

2. Q: Who may enroll a child in foster care, in a school district or charter school?

A: A child in foster care may be enrolled by a parent, guardian or other person having control or charge of the student. (See 22 Pa. Code §11.11(b)) Therefore, a foster parent, juvenile probation officer or caseworker may enroll the student. School districts must enroll and treat non-resident children placed with foster families in all respects as if they were residents of the school district. (See 24 P.S. §13-1305(a), *Nancy M. v. Scanlon*, 666 F. Supp. 723 (E.D. Pa. 1987))

3. Q: May enrollment of a child in foster care or a child awaiting foster care placement be delayed or denied due to the lack of education records from a prior school district?

A: No. Enrollment cannot be delayed because of a failure to obtain education records from a prior school district either in Pennsylvania or an out-of-state school. An enrolling school district should request the child's education records immediately, and the prior Pennsylvania district must transfer the child's records to the new district within 10 business days of the request. When children with Individualized Education Programs (IEP) transfer from another school district or another state, the new school district must provide the child with a Free and Appropriate Public Education (FAPE), which includes comparable services, until a new IEP is developed and agreed to by the person authorized to make special education decisions for the child, pursuant to the Individual with Disabilities Education Act (IDEA) and implementing

regulations. (34 CFR 300.323(e), (f). For a child in foster care, the person is usually the child's biological parent but may be a foster parent or a person appointed by a court or school district. (See *Transfer of Records BEC*)

http://www.portal.state.pa.us/portal/server.pt/community/purdon's_statutes/7503/transfer_of_records/507343

4. **Q:** When a child welfare agency has legal custody of a foster child and is seeking enrollment of that child in a school district, must a representative of that agency be physically present to sign the enrollment forms?

A: The decision to require a representative from the public child welfare agency to be physically present is well within the discretionary authority of local school officials. Regulations provide "The school district or charter school has no obligation to enroll a child until the parent or guardian or other person having control or charge of the student making the application has supplied proof of the child's age, residence and immunizations as required by law. (22 Pa. Code § 11.11(b)) This applies to resident children and nonresident children who are living in facilities, institutions, or foster homes. (22 Pa. Code § 11.11(c))

5. **Q:** What additional documentation may the school district require for the enrollment of a child in foster care?

A: If the child is living in the district where he or she seeks to enroll, the public or private children and youth agency may need to supply proof of that fact to the district. Such documentation would be provided to the district by the public or private agency or the foster parent. The school district may not inquire as to the reasons that a child was placed in foster care, or whether or when the child may return to live with a biological or adoptive parent. And, the school district may not require a statement from the biological or adoptive parent consenting to enrollment. See *Enrollment of Students BEC*:

http://www.portal.state.pa.us/portal/server.pt/community/purdon's_statutes/7503/enrollment_of_students/507350

6. **Q:** May a child in foster care remain in the same school even after they move to a new foster placement in another school district?

A: Yes, children placed in foster care may move from one foster home to another and such moves may involve school changes. Research shows that school changes significantly undermine academic progress. In accordance with the *Fostering Connections Act*, a child in foster care should remain in the same school district unless it is not in their best interest. Children and youth agencies have also been strongly encouraged to make placements that are close to the child's home school, when feasible, in order to promote school stability.

School districts are strongly encouraged to develop policies or agreements to enable a student who is in foster care to remain in the educational program in the same school or school district

even if that student is moved to a residence in another school attendance area within the district or in another school district. However, under current law, the school districts are not required to maintain the child in the same school district.

Under the *Fostering Connections Act*, child welfare agencies and local education agencies must coordinate to maintain a child in the same school when the child's living situation changes unless it is in the child's best interest to change schools or school districts.

7. **Q:** When an agreement is made to continue the education of a child in foster care in a nonresident school district, which school district is responsible for the cost of school transportation?

A: Unless the child is awaiting foster care placement and considered eligible under the McKinney-Vento Act (see below), there is no requirement that a school district provide school transportation beyond that which is required by its own transportation policy. School districts are encouraged to demonstrate flexibility and assist in providing transportation if it would promote school stability for a child. The child welfare agency may arrange transportation or compensate the foster parent or a school district for such transportation. Any arrangement that enables a child to stay in the same school placement (when the foster placement is in another school district or school attendance area) should be worked out in advance between the two districts and the child welfare agency, including the plan for transportation, if such transportation is required. PDE does not reimburse school districts for such transportation.

8. **Q:** How are school districts to interpret the term "awaiting foster care placement"? When is a child awaiting foster care considered to be homeless?

Children who are placed temporarily in shelters, emergency foster care, transitional foster care or respite care are considered to be awaiting foster care placement. These placement settings are intended to be short term, and do not typically last longer than 30 days. However, individual circumstances may, at times, require a longer length of stay. If the placement exceeds 30 days, contact should be made with the child welfare worker and the local McKinney-Vento Coordinator to determine if there is any valid reason to conclude that the child is still awaiting foster care placement.

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. Local school officials

should consult their Pennsylvania Education for Children and Youth Experiencing Homelessness Program's regional, site, and state coordinators, whenever necessary to determine, on a case-by-case basis, whether a child is awaiting foster care placement.

According to the *Fostering Connections Act*, in reference to transportation, the definition of foster care maintenance payments under Title IV-E has been broadened to include "reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement."

Homeless liaisons in school districts should assist with the enrollment and other needs of all homeless children. See Basic Education Circular (BEC), *Education for Homeless Youth*.
http://www.pde.state.pa.us/portal/server.pt/community/us_codes/7505/education_for_homeless_youth/507380.

9. Q: What school enrollment requirements apply to children who are awaiting foster care placement?

A: A child who qualifies as awaiting foster care placement is considered to be homeless, and is entitled to immediate enrollment. Although LEAs may require a parent or guardian of a homeless child to submit contact information, these students are not required to prove residency. See, *Education for Homeless Youth* BEC.

http://www.education.state.pa.us/portal/server.pt/community/basic_education_circulars/7497

10. Q: When enrolling in a new school, may the school district place the child in an alternative assignment or provide alternative education services if the child has a history of misconduct or was previously placed in an Alternative Education for Disruptive Youth Program?

A: No. Unless the child is currently expelled for an offense involving weapons, the child must be admitted to the regular classroom of the new school district. If the child is currently expelled for a weapon's offense the district may provide services in an alternate education program for the duration of the expulsion. 24 P.S. §13-1317.2(e.1). In addition, if a child who is eligible for special education is expelled, the child must continue to: (1) receive services so as to enable the child to continue to participate in the curriculum for all students, although in another setting; (2) to progress toward meeting the goals set out in the child's IEP; and (3) receive, as appropriate, a Functional Behavioral Assessment and behavioral interventions to prevent the recurrence of the behavior. 34 C.F.R. §300.530(d).

11. Q: Is placement of a child in the home of a resident under a "Lifesharing agreement" considered a foster care placement?

A: According to the Pennsylvania Department of Public Welfare, a Lifesharing home is considered a residential program. Lifesharing, also known as Family Living, supports individuals with intellectual disabilities to live with qualified unrelated adults who provide support in the home. Such a home would be considered a residential placement under Section 1306 of the School Code. As such, the school district in which the child is placed (under the Lifesharing agreement) would be responsible for providing educational services for the child. The child would be considered a "non-resident" student of that school district. And, for purposes of tuition for a student under a Lifesharing agreement, the school district that is the location of the parents' residence would be responsible for the student's tuition.

12. Q: May a school district release education records to a child welfare agency or caseworker?

A: Yes, the Uninterrupted Scholars Act (P.L. 112-278) made key revisions to the Family Educational Rights and Privacy Act (FERPA) that will make it easier for child welfare agencies to access education records.

This amendment creates a new exception under FERPA that authorizes an agency caseworker or other representative of a State or local child welfare agency, or tribal organization to have access to the student's educational records without having to obtain parental consent or a court order. This exception applies to children for whom the public child welfare agency has legal responsibility for their care and protection, specifically those children in the legal custody of the Agency who are placed in out-of-home care. This would include children placed under a voluntary placement agreement and shared case responsibility youth who have been adjudicated dependent.

It is the position of both the Department of Public Welfare and the Department of Education that the individuals who can obtain education records under this exception, specifically those who have the right to access the child's case plan, include the following:

- the child's caseworker from the public children and youth agency;
- the child's caseworker from a private children and youth agency with whom the public agency contracts; and
- the supervisors or managers of such agencies.

In order to obtain the student's records, proof of this relationship with the child must be provided. This proof can be in the form of a court order or written notification on agency letterhead indicating that the agency has legal custody or is otherwise legally responsible for the care and protection of the child.

The records obtained pursuant to this exception may not be re-disclosed to any other person or entity unless those individuals or entities are engaged in addressing the student's educational needs and authorized by the child welfare agency or organization to receive such disclosures.

Child welfare agencies have a continuing obligation to work collaboratively with families and their LEAs to address the educational needs of children in dependent care. The amendment does not usurp the right of a student's parent to make all other decisions regarding the release of the child's education records, nor does it place the child welfare agency in the role of parent or educational decision maker. It merely allows child welfare agencies to obtain a student's education records in a more timely and efficient manner. As a result, the child welfare agency representative working with the family should explain to the parent and to the school entity that provides the records that, while the agency will have access to the education records, the parent still maintains the right to access the records directly from the school and the right to make decisions about the child's education. The child welfare worker should also make all efforts to keep parents informed and involved in the child's education.

In addition, the Uninterrupted Scholars Act also provides that, in cases where a parent is a party to a proceeding involving child abuse or neglect or a dependency matter, and a court order is issued authorizing the disclosure of education records, additional notice need not be provided to the parent by the educational agency before educational records are released.

When it is determined that it is in the best interest of a child in foster care to change school districts, the child welfare agency and the LEA must ensure that the child is immediately enrolled in the new school with all education records provided to the new school. See 42 U.S.C. §675(1) (G) (ii) (II).

13. Q: Who is the special education decision-maker for a child in foster care?

A: In most cases, the biological parent continues to be the child's special education decision-maker. Every child in foster care who is or might be eligible for special education must have a parent under IDEA. The parent under IDEA is the birth or adoptive parent if that person is locatable, the court has not terminated parental rights or limited the parent's right to make education decisions for the child, and the parent is "attempting to act" as the parent under IDEA. See 34 C.F.R. §300.30(b). A school district shall make reasonable efforts to locate and notify birth or adoptive parents of meetings, etc., and make accommodations to facilitate their participation. However, if that parent is not located or the parent has been located but is not "acting as the parent" in the special education process (for example is not attending meetings or responding to notices), and the child has a foster parent, the foster parent may become the child's parent under IDEA. A relative with whom the child is living who is acting as the child's parent can also be an IDEA parent (See 34 C.F.R. §300.30(a)). In addition, a court may appoint a surrogate parent/education decision maker. With respect to the initial evaluation of a child in foster care who has no active IDEA Parent, the court can subrogate the biological/adoptive parent's right to make education decisions and can appoint any person to consent to the evaluation. See 34 C.F.R. §300.300(a)(2)(iii), (3).

14. Q: When does a child in foster care, who is eligible for special education services, need a surrogate parent and what can school districts do about it?

A: When no IDEA parent can be located (the parents cannot, after reasonable efforts, be found, there is no foster parent, and there is no person other than a foster parent with whom the child is living who is acting as the parent) the local education agency should appoint a surrogate parent, whenever possible within 30 days. A surrogate parent should also be appointed for a child who qualifies as an unaccompanied homeless youth under the McKinney-Vento Act. In that case the LEA can appoint appropriate staff from the shelter where the child is living to serve as a temporary surrogate parent until a surrogate parent can be appointed. The Juvenile Court can also appoint a surrogate parent, particularly for a child who is living in a residential setting such as a group home or a residential treatment facility. See 20 U.S.C. §1415(b), 34 C.F.R. §§300.30(a) (3), 300.519(a), (c), (h). A Surrogate Parent Guide is available at <http://www.pattan.net/category/Resources/PaTTAN%20Publications/Browse/Single/?id=4dc09560cd69f9ac7fa50000>

15. Q: May a person who is employed by an agency that is involved in the education or care of a child such as a caseworker or current teacher be the child's surrogate parent under IDEA?

A: No. A surrogate parent cannot be a person who is employed by an agency that is involved in the education or care of a child such as a caseworker or current teacher. 34 C.F.R. §519(d) (2) (i). Federal regulations, 34 C.F.R. § 300.519, outline the duties of public agencies in assigning individuals to serve as a surrogate for the parent(s). Public agencies must ensure that a person selected as a surrogate parent is 1) not an employee of the State Educational Agency, the Local Educational Agency, or any other agency that is involved in the education or care of the child, 2) Has no personal or professional interest that conflicts with the interest of the child the surrogate parents represents, and 3) Has knowledge and skills that ensure adequate representation of the child. A person otherwise qualified to be a surrogate parent is not considered an employee of an agency solely because he or she is paid by the agency to serve as a surrogate parent.

16. Q: Does a school district have any responsibilities for educating children in foster care who are living in residential facilities?

A: Yes. The school district in which a residential facility (such as a group home or residential treatment facility) is located is responsible for providing or ensuring the provision of special education or regular education to children in dependent care and other school-aged children who live in those facilities. See 24 P.S. §13-1306. (See *Educational Programs for Students in "Educational Portions of Non-Educational Placements"*)

http://www.portal.state.pa.us/portal/server.pt/community/pa_codes/7501/educational_portions_of_non-educational_placements/507372.

Unless the child's needs or a court order dictates otherwise, a child in a residential facility should be educated in a regular school in the host school district. See 24 P.S. §13-1306, IDEA/Chapter 14 LRE provisions. Dependent children and other children with disabilities living in facilities are entitled to the same rights and protections afforded to other children as set out in 22 Pa. Code Chapters 14 and 15.

17. Q: What should a school district do to help a child in foster care graduate or stay on track to graduate?

A: Because children in foster care often change schools, they face significant barriers to meeting graduation requirements. School districts are urged to help students in foster care to receive a high school diploma by carefully reviewing all credits and partial credits earned by the student in prior settings and creating a "graduation plan" outlining all credits needed to graduate. All credits (partial or full) granted by a public school in this Commonwealth "shall be accepted by all public schools and institutions in this Commonwealth upon the transfer of a student." See 22 Pa. Code §4.74(c). Also, older youth who are still in care or who have aged out of care may seek to return to school. Students have a right to attend school where they are living until the end of the school term in which they turn 21. See 24 P.S. §§13-1301, 1305, 1306. School districts are urged to assist these students with re-enrollment and to work to enable them to earn a high school diploma by providing remedial help and access to credit recovery programs when needed.

18. Q: Does a school district have any obligation to help plan for a child in foster care who is transitioning out of school?

A: Yes. For students eligible for special education under the IDEA, the IEP in effect during the school year in which a student turns 14, and every year thereafter, must include transition goals and services to help the student make a successful transition to post-secondary education, employment, or community living when the student turns 21 or graduates. Students must be invited to IEP meetings when transition plans are being developed. If they do not attend the meeting, the school district must take steps to ensure that the students' interests and preferences are considered by the IEP team. With the consent of the parent under IDEA or the student if he or she has reached the age of majority, the school district must invite a representative of any participating agency that is likely to provide or pay for transition services, which can in some cases include the child welfare agency. 34 C.F.R §§300.321(b); 22 Pa. Code §14.131(a) (5).

In addition, child welfare agencies are required to ensure that a child in foster care who is sixteen years or older is receiving the necessary educational services to transition to independent living, pursuant to 42 Pa. C.S. § 6351. Local educational agencies are urged to cooperate and assist in this planning process when requested by the local child welfare agencies. In addition, a child who is "aging out" of care within 90 days must have in place a detailed transition plan that specifically addresses the child's educational needs.

(See 42 USC § 675(5)(H)) School districts are urged to work with child welfare professionals to assist in the development of that plan and identify possible educational and vocational training resources for the child. In addition, if the child is also eligible for special education services, such transition planning should be coordinated with the transition planning occurring within the school entity pursuant to the IDEA and state special education law.

19. Q: Are there any special programs or laws that support a child in foster care to have access to higher education opportunities?

A: Yes. There are many scholarship opportunities as well as federal and state funds available to children who have been in foster care. School counselors should consult with child welfare personnel about financial aid opportunities, such as the Education and Training Grants and other resources that are available to foster youth as well as any benefits or education support services that may be provided through the county child welfare agency or Independent Living Program. See 42 U.S.C. 677(b)(3)(F). School counselors should work with Children & Youth Education Liaisons and Independent Living Coordinators from the county's child welfare agency to identify youth in care in their schools who may need assistance to put them on track for college or may need help getting other support services available through the school. This may include ensuring that foster youth have access to college preparation programs such as Upward Bound and SAT preparation instruction that may be available to children in foster care at no charge. See 42 U.S.C. 677(b) (3) (F).

20. Q: Are school districts that provide educational services to children in foster care entitled to tuition reimbursement?

A: Yes. School districts that educate non-resident children in foster care are entitled to "payment on account of tuition" in accordance with 24 P.S. §25-2503.

21. Q: Must all County Children and Youth agencies have a "Central Point of Contact" for education matters?

A: Yes. The Office of Children, Youth, and Families Bulletin 3130-10-04 entitled "Educational Stability and Continuity of Children Receiving Services from the County Children and Youth Agency (CCYA) Including the Use of an Education Screen" issued September 17, 2010 clarifies the responsibilities of county agency personnel for the education of children receiving services by the child welfare agency. Each County Children and Youth Administrator must identify a staff member, called an "Education Liaison" to be trained in educational issues of most concern for children served by the child welfare system, for example: enrollment, special education services, school discipline, and the rights of children awaiting foster care placement.

22. Q: What is the Education Screen and who is responsible for completing the Education Screen for a child in foster care?

A: The Education Screen is a tool to identify the educational needs of a child in foster care. It was developed and issued along with the Office of Children, Youth and Families Bulletin Number 3130-10-04. Staff from county children and youth agencies and/or private providers with whom the agency contracted with were responsible for completing the Education Screen. School district personnel were encouraged to cooperate by providing as much information as allowed by law, but they were not responsible for completing the screen. Efforts are currently being made to streamline the screen to allow for easier use and discussions are occurring regarding future implementation. Although some county children and youth agencies have used the screen at their own discretion, full implementation of the screen has been delayed.

Homeless Student Intake



Please return all pages of this form to:
Beth W. Rothermel, Regional Coordinator
Berks County Intermediate Unit,
1111 Commons Blvd., PO Box 16050
Reading, PA 19612-6050
Phone: 610.987.8509 Fax: 610.987.8400
Email: betrot@berksiu.org



Parent/ Guardian Responsible for Enrolling Student	
Relationship to Student	
Address	
Home Phone Number	
Cell Phone Number	
Name of person completing intake form	
Phone Number	

Student Information

School District							
Student Name							
Date of Birth		Grade		Gender		PA Student ID Number	
School Building							
Student Name							
Date of Birth		Grade		Gender		PA Student ID Number	
School Building							
Student Name							
Date of Birth		Grade		Gender		PA Student ID Number	
School Building							
Student Name							
Date of Birth		Grade		Gender		PA Student ID Number	
School Building							

School Uniform Information

Place an X in the box indicating if the students needs a uniform			
School Uniforms	YES		NO
Pant/s Size			
Shirt/s Size			

**Attach additional comments and notes if needed*

Homeless Status

Place an X in the box indicating the appropriate status for the identified homeless student in your school.	
Living With Family	
Separated From Family	
Foster Care Pending	
Unaccompanied Youth	
Runaway	
Other (Specify)	

Living Arrangements

Place an X in the box indicating the appropriate living arrangements, also provide the name and date entered.					
Emergency Shelter		Shelter Name		Date Entered	
Transitional Housing		Program Name		Date Entered	
Hotel/Motel		Name of Hotel/Motel		Date Entered	
Street, Car, Park, Abandoned Building					
Doubled Up					
Other (Specify)					

Precipitating Event For Homelessness

Place an X in the box indicating the appropriate precipitating event for homelessness.	
Abandonment	
Act of Nature	
Death of Parent/Guardian	
Domestic Violence	
Eviction	
Fire	
Incarceration of Parent/Guardian	
Other (Specify)	

Services Provided and/or Referrals Made for Student

Place an X in the box indicating the appropriate services provided and/or referrals made for students.	
Tutoring	
Counseling	
Medical/Dental	
Early Childhood Programs	
After School Programs	
Transfer of Records	
Other (Specify)	

Needs

Place an X in the box indicating the appropriate needs.	
Transportation	
School Supplies	
Book Bag	
School Uniform	
Immunization	
Bus Pass	
Taxi	
Other (Specify)	

I, _____ affirm that the residency information provided herein is true and accurate.
(Parent/Guardian's Name)

I, _____ have been advised of my rights and my child's rights under the McKinney Vento Federal Homeless Assistance Act.
(Parent/Guardian's Name)

(Signature of Parent/Guardian)

(Students Name)

(Date)

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.

**Enrollment Complaint to Pennsylvania Department of Education's
State Coordinator for Homeless Children's Initiative**
State Coordinator, Education for Homeless Children & Youth Program
Division of Student Services, Pennsylvania Department of Education
333 Market Street, 5th Floor, Harrisburg, PA 17126-0333
Telephone (717) 783-6468

Date: _____
Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____
Email: _____

Dear State Coordinator:

_____ is experiencing homelessness. This child is my _____.
name of child son, daughter, etc.

I am writing because the _____ School District:

☐ will not enroll this child (Explain, if necessary below).

☐ will not let this child stay in the same school/he/she has been attending. (Explain, if necessary below)

☐ will not provide transportation to stay in the same school he/she has been attending. (Explain, if necessary below)

☐ will not provide equal access to public preschool. (Explain, if necessary below)

☐ will not provide equal access to academic or nonacademic services. (Explain which services below).

Other: _____

Please feel free to attach additional pages with an explanation of the situation, supporting documents, etc. You may call or write to me at the address listed at the top of the page with any questions you may have. Thank you.