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Code	915
Adopted	October 15, 2020

Board of Trustees Policy

HOMELESS STUDENTS POLICY

PURPOSE

The McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 *et seq.*)[1], provides authority for the McKinney-Vento Education for Homeless Children and Youth ("EHCY") program. Pursuant to EHCY program, State educational agencies ("SEAs") must ensure that homeless children and youths have equal access to the same free, appropriate public education, including a public preschool education, as is provided to other children and youths. The SEAs and local educational agencies ("LEAs") in the State must review and revise any laws, regulations, practices, or policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youths. LEAs and schools may not separate homeless students from the mainstream school environment on the basis of their homelessness. Homeless students must also have access to the education and other services that they need to meet the same challenging State academic standards to which all students are held. (Section 721 of the McKinney-Vento Act, as amended by the Every Student Succeeds Act).

The Every Student Succeeds Act ("ESSA") was signed into law on December 10, 2015, (P.L. 114-95)[2], and reauthorizes the Elementary and Secondary Education Act ("ESEA") of 1965, which was enacted in its previous version as the No Child Left Behind ("NCLB") Act, in 2002.

ESSA amended Section 724(g) of the McKinney-Vento Act, requiring the Secretary of Education to develop, issue, and publish in the Federal Register guidelines concerning ways in which a State: (1) May assist LEAs to implement the provisions related to homeless children and youths amended by the ESSA; and, (2) May review and revise policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.

The Board of Trustees ("Board") of the Chester Community Charter School ("Charter School") recognizes its obligation to ensure that homeless students have access to the same educational programs and services provided to other Charter School students. The Board shall make reasonable efforts to identify homeless children, encourage their enrollment, and eliminate existing barriers to their attendance and education, in compliance with federal and state law regulations.

The Board may waive policies, procedures and administrative regulations that create barriers for enrollment, attendance, transportation, and success in the Charter School of homeless students, based on the recommendation of the Chief Executive Officer of the Charter School ("CEO").

DEFINITIONS

Section 725[1] of the McKinney-Vento Act, as amended by the ESSA, defines the following terms:

(a) "Homeless children and youths" means individuals who lack a fixed, regular, and adequate nighttime residence. The term includes—

(1) 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; or are abandoned in hospitals.

(2) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(3) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965[3], as amended), who qualify as homeless because they are living in circumstances described in this definition.

(b) "Enroll and enrollment" include attending classes and participating fully in school activities.

(c) "Unaccompanied youth" includes a homeless child or youth not in the physical custody of a parent or guardian.

(d) The terms "enroll" and "enrollment" are defined to include attending classes and participating fully in school activities.

(e) The term "school of origin" is the school in which the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled. The definition of "school of origin" now also specifically includes preschools and, when a child or youth completes the final grade level served by the school of origin, it also includes the designated receiving school at the next grade level for all feeder schools. (Section 722(g)(3)(I))[1].

Note: Students who are "awaiting foster care placement" are no longer considered homeless for purposes of EHCY program. The deletion of "awaiting foster care placement" went into effect on December 10, 2016. (Section 725(2)(B)(i))[1].

CHARTER SCHOOL LIAISON DUTIES

The Board designates the CEO or his/her designee to serve as the Charter School's liaison for homeless students and families.

The Charter School's liaison shall coordinate with:

a) Local service agencies that provide services to homeless children, youth and families.

b) School districts on issues of records transfer, per pupil allocation, transportation and special education programs to ensure that homeless children who are in need of special education and related services are located, identified, and evaluated.

c) State and local housing agencies responsible for comprehensive housing affordability strategies.

In addition to the duties already imposed on the Charter School liaison the following paragraphs (a) through (c) below set forth what the statute now requires of liaisons for homeless children and youths:

(a) Ensure that school personnel providing services under the McKinney-Vento Act receive professional development and other support. (Section 722(g)(6)(A)(ix))[1].

(b) Ensure that unaccompanied homeless youths (i) are enrolled in school, (ii) have opportunities to meet the same challenging State academic standards as other children and youths, and (iii) are informed of their status as independent students under the Higher Education Act of 1965 and that they may obtain assistance from the LEA liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid. (Section 722(g)(6)(A)(x))[1].

(c) Ensure that public notice of the educational rights of the homeless children and youths is disseminated in locations frequented by parents or guardians of such youth, and unaccompanied homeless youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form that is understandable. (Section 722(g)(6)(A)(vi))[1].

In addition, LEA liaisons who receive appropriate training may now affirm that a child or youth who is eligible for and participating in a program provided by the LEA, or the immediate family of such a child or youth, is eligible for homeless assistance programs administered under Title IV of the McKinney-Vento Act. (Section 722(g)(6)(D))[1].

These duties are in addition to those already required of the liaison:

1. Identify homeless children and youth including preschool age children;

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 youth receive services under the Act and forms to such places as schools, family shelters, and food pantries;

4. Mediate enrollment disputes in accordance with the Enrollment Dispute section and ensure immediate enrollment pending resolution of disputes;

5. Inform the parent/guardian of a homeless child or youth, and any unaccompanied youth, of all transportation options, including to the school of origin, and assist in accessing these transportation services;

6. Assist children and youth who do not have immunizations, or immunization or medical records, to obtain necessary immunizations, or immunization or medical records;

7. Understand the Pennsylvania Department of Education guidance issued for the education of homeless students in order to distribute information on the subject as well as to present workshops for school personnel, including office staff;

Students shall not be discriminated against, segregated nor stigmatized based on their status as homeless.

BEST INTEREST DETERMINATION

The ESSA now requires that a school selected based on a homeless child's or youth's "best interest" must immediately enroll such child or youth even if he or she has missed application or enrollment deadlines during any period of homelessness. (Section 722(g)(3)(C)(i)(II))[1].

The statute has modified the requirements governing "best interest" determinations to include the following:

(a) The Charter School must presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest unless doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth. (Section 722(g)(3)(B)(i))[1].

(b) The Charter School must consider student-centered factors related to a child's or youth's best interest, giving priority to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth. (Section 722(g)(3)(B)(ii))[1].

(c) If the Charter School determines that it is not in a child's or youth's best interest to attend the school of origin, or the school requested by the parent, guardian, or unaccompanied youth, it must provide a written explanation of the reasons for its determination, in a manner and form that is understandable. (Section 722(g)(3)(B)(iii))[1].

To the extent feasible, and in accordance with the student's best interest and parent/guardian's wishes, a homeless student shall continue to be enrolled in his/her school of origin while he/she remains homeless, or until the end of the academic year in which he/she obtains permanent housing.

Parents/guardians of a homeless student may request enrollment in the school in the attendance area where the student is actually living or other schools. If a student is unaccompanied by a parent/guardian, the Charter School liaison will consider the views of the student in determining where he/she will be enrolled.

The Charter School shall immediately enroll the student and begin instruction, even if the student is unable to produce records normally required for enrollment, which include, but are not limited to school records, immunizations, other health records and proofs of residency or guardianship. However, the Charter School may require a parent/guardian to submit contact information which includes identification of the school district of origin. Once enrolled, the Homeless Liaison will ask homeless families to complete a transitional housing form to determine the precipitating event(s) leading to homelessness, the specific date that homelessness last occurred, and details of current temporary living arrangements.

The Charter School SAP Supervisor/Homeless Liaison reviews each transitional housing form to confirm homelessness and ensure the Charter School is addressing not only the family's education, but their living circumstances appropriately. The Charter School maintains regular contact with homeless families to

review any changes in living arrangements in order to determine whether homelessness continues to occur or a permanent residency has been established at which time they are removed from homeless status. The Charter School's SAP Supervisor/Homeless Liaison coordinates with multiple parties to ensure interventions, counseling, and accommodations are readily available to ensure the education of homeless students is not impeded by these outside circumstances.

HEALTH RECORDS/IMMUNIZATIONS

The Charter School liaison may contact the previous school for oral confirmation of immunizations, and the school shall request records from the previous district, pursuant to Board policy. Oral confirmation between professionals is a sufficient basis to verify immunization with written confirmation to follow within 30 days. The instructional program should begin as soon as possible after the enrollment process is initiated and should not be delayed until the procedure is completed. The law specifies that information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be deemed to be directory information.
(Section 722 (g)(3)(G))[1].

According to federal law, "(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D)"
42 U.S.C. §11432(g)(c)(iii)[4].

SCHOOL PLACEMENT

If the Charter School is unable to determine the student's grade level due to missing or incomplete records, the Charter School shall administer tests or utilize appropriate means to determine the student's placement.

If a dispute arises over the school selection or enrollment, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parents/guardians shall be provided with a written explanation of the Charter School's decision, their right to appeal, and the procedures to use for the appeal.

Appropriate school placement arrangements, based on the child's best interest, should be implemented through cooperative efforts of the respective chief school administrators of the Charter School, the chartering district, and any prior district of residence. Each case presents a unique set of circumstances and, therefore, requires an individualized response. In all cases, the Charter School 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.

Homeless students shall be provided services comparable to those offered to other Charter School students including, but not limited to, transportation services, school nutrition programs, vocational programs and technical education, preschool programs, programs for students with limited English proficiency, and educational services for which students meet eligibility criteria, such as programs for disadvantaged students, students with disabilities, and gifted and talented students. The CEO or his/her designee must collaborate with the Charter School's special education program to ensure that homeless

children who are in need of special education and related services are located, identified and evaluated.

Homeless Students Residing in Shelters, Facilities or Institutions Section

The Board shall admit to the Charter School, upon application, those school age children who are living at or assigned to a facility or institution, and who are residents of the district or another district of this Commonwealth. These facilities or institutions are defined by the Public School Code and include: an agency, supervised or licensed shelter, group home, maternity home, residence, facility, orphanage, or other institution for care or training of children or adolescents.

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 children should not be forced to change school districts every time their overnight accommodations change. Rather, these children are entitled to attend school in any school district where a parent, guardian, an adult caring for them or where an unaccompanied child:

- Spends the greatest percentage of his or her time; or
- Has a substantial connection such as where he or she is
    - regularly receiving day shelter or other services involving any of the 16 McKinney-Vento Activities (42 U.S.C. 11433(d))[5] for individuals who are homeless;
    - conducting daily living activities; or
    - staying overnight on a recurring basis.

TRANSPORTATION

The Charter School shall coordinate transportation for homeless students with the chartering school district of residence or any previous district of residence. The district of origin, the Charter School, and the chartering school district shall agree upon a method to apportion the responsibility and costs of the transportation.

ELIGIBILITY UNDER THE NATIONAL SCHOOL LUNCH AND BREAKFAST PROGRAMS

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. Migrant Education or Homeless staff are responsible for providing proper documentation of a child's status to the Food Service Directors in each school district.

TITLE I

Title I of the ESSA mandates that funds be reserved to serve homeless children. Section 1113(C)(3)[6] of the Title I statute 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—,"(A) 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…" A local educational agency shall reserve such funds as are necessary under this part, determined in accordance with subparagraphs (B) and (C), to provide services comparable to those provided to children in schools funded under this part to serve--``(i) homeless children and youths, including providing educationally related support services to children in shelters and other locations where children may live; ``(ii) children in local institutions for neglected children; and ``(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

FISCAL RESPONSIBILITIES

Fiscal responsibilities apply to all homeless students, whether in regular or special education classes. The Charter School 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, or 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 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. The Department of Education 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, including preschool children, where that is the district the child attended when permanently housed, that district will continue to educate a homeless student for the period of temporary

displacement and should maintain the homeless student on its roll as a resident student. When a child or youth completes the final grade level served by the school of origin, it also includes the designated receiving school at the next grade level for all feeder schools. (Section 722 (g)(3)(l))[1].

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/LEA should advise the new district of residence of its financial responsibility for this student and send a tuition bill. If upon identification by the educating district/LEA, either the school of origin district or the new district of residence disputes its obligation for the per pupil allocation for the homeless student, the Charter School shall await determination by PDE which shall determine residency of student and responsibility for payment of per pupil allotment pursuant to its PDE-4605 form and in accordance with PDE Child Accounting Guidelines.

DISPUTE PROCEDURES

Pursuant to the McKinney-Vento Act, every state must develop procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths. 42 U.S.C §11432(g)(1)(C). The state must ensure that LEAs comply with requirements set forth in the McKinney-Vento Act including ensuring immediate enrollment, providing written notice to families concerning school selection, enrollment decisions and providing enrollment and pendency in the school of choice while a dispute is being resolved. 42 U.S.C §11432(g)(2)(A)[4].

PDE has developed 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 the Charter School, as a LEA. If a dispute arises over school selection or enrollment, the child or youth involved must immediately be admitted to the school in which they are seeking enrollment, pending resolution of the dispute 42 U.S.C.§11432(g)(3)(E)(i)[4]. The LEA liaison shall then explain the dispute resolution process to families and help a family or student to use it 42 U.S.C. §11432(g)(3)(E)(iii)[4]. The LEA shall issue a written disposition of the dispute within 20 business days after the LEA liaison is notified of the dispute. The disposition shall be provided to the parent, guardian or unaccompanied youth and shall explain the basis for the decision and advise the parent, guardian or youth of the right to appeal. 42 U.S.C.§11432(g)(3)(E)(i)[4]. PDE provides a "Notice of Procedural Safeguards" form to provide to families/students for purposes of explaining their rights of appeal.

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 or directly to a court of competent jurisdiction.

In the case of an unaccompanied youth, the Charter School will ensure that the Charter School liaison assists in placement or enrollment decisions, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR SCHOOL'S CHARTER SHALL CONTROL.

Legal References:

1. The McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 *et seq.*)
2. Every Student Succeeds Act ("ESSA") (P.L. 114-95)
3. Section 1309 of the Elementary and Secondary Education Act of 1965
4. 42 U.S.C. §11432
5. 42 U.S.C. 11433(d)
6. ESSA, Title 1, Section 1113(C)(3)