

Policy 251: Students Experiencing Homelessness, in Foster Care, and/or Experiencing Educational Instability

This policy addresses the federal mandate, The McKinney–Vento Homeless Assistance Act (McKinney-Vento), for students who are experiencing homelessness; the federal mandate, The Every Student Succeeds Act (ESSA) for students who are in foster care; and the state mandate for students experiencing educational instability, which may, but does not always, include students who are experiencing homelessness or in foster care.

Purpose

The Board recognizes the challenges encountered by students experiencing homelessness, in foster care, and/or experiencing educational instability, as defined in this policy. The Board is committed to facilitating the immediate enrollment of; eliminating barriers to the consistent attendance, education, and graduation of ; and providing additional supports to students experiencing homelessness, in foster care, and/or experiencing educational instability, in compliance with federal and state laws, regulations, and Board policy.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)

Authority

The Board directs the district to collaborate with school staff, other school districts, local agencies, and other entities in supporting the needs of students experiencing homelessness, in foster care, and/or experiencing educational instability.

The Board shall ensure that students experiencing homelessness, in foster care, and/or experiencing educational instability have equal access to the same educational programs, activities, and services provided to other district students.[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)

The Board authorizes the Superintendent to waive specific requirements in Board policies, procedures, and administrative regulations to the extent that they create barriers for the enrollment and attendance of students experiencing homelessness, in foster care, and/or experiencing educational instability. Such waivers include, but are not limited to, requirements regarding:[\[1\]](#)[\[2\]](#)[\[3\]](#)[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)

1. Registration deadlines.
2. Transportation.[\[10\]](#)
3. School-sponsored or extracurricular activities for which students meet placement and qualification requirements, including, but not limited to, clubs, athletics, performing arts, class trips, social events, career and technical education, internships, and specialized classes.[\[11\]](#)[\[12\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)[\[17\]](#)
4. Fees related to school-sponsored or extracurricular activity participation fees, and other fees including, but not limited to, school identification (badges, cards, etc.), uniforms, materials, lost or damaged items, athletic physical exams, parking or driving, food services, library, locker or padlock rental or replacement, summer school or credit

recovery, technology and graduation regalia.[9][13][14][15][18][19][20][21][22]

5. Graduation.[19]

6. Dress code.[9]

It is the policy of the Board that no student shall be discriminated against, segregated, or stigmatized based on their status as a student experiencing homelessness, in foster care, and/or experiencing educational instability.

Definitions

In *all sections of this policy*, the term **Enroll** or **Enrollment** means attending classes and participating fully in school activities.[26]

Students Experiencing Homelessness

School/district of origin means the last school in which the student experiencing homelessness was enrolled when permanently housed or the school in which the student experiencing homelessness was last enrolled, including preschool. When a student experiencing homelessness completes the final grade level served by the school of origin, the school of origin shall become the designated receiving school at the next grade level for all feeder schools.[27]

Students experiencing homelessness means students who lack a fixed, regular, and adequate nighttime residence, and includes:[26]

1. Children and youths who are:
 - a. Sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
 - b. Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
 - c. Living in emergency, transitional or domestic violence shelters; or
 - d. Abandoned in hospitals;
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings;

4. Migratory children who qualify as homeless because they are living in circumstances described above; and
5. School-aged parents living in houses for school-aged parents if they have no other available living accommodations.
6. **Unaccompanied youth** means a homeless child or youth not in the physical custody of a parent or guardian. This includes youth who have run away from home; been abandoned or forced out of home by a parent, guardian or other caretaker; or separated from a parent or guardian for any other reason.[\[26\]](#)

Students in Foster Care

Additional cost means the amount by which the cost of transporting the student from a foster residence within the school/district of residence to the school/district of origin exceeds the cost that the school/district of origin would have incurred to transport that student from their residence of origin to their school of origin.[\[25\]](#)

Best Interest Determination (BID) Team means the team of professionals, including but not limited to the county children and youth agency, foster care point of contact, school/district of origin point of contact, and school/district of residence point of contact who convene and consider all relevant factors pertinent to the best interest of the student in foster care relative to educational placement.

Foster care means twenty-four (24) hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre-adoptive homes. A student is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption or whether there is federal matching of any payments that are made.[\[25\]](#)

School/district of origin means the school/district in which a student is enrolled at the time of placement in foster care. If a student's foster care placement changes, the school/district of origin is the school, in the district (if applicable), the student is attending immediately prior to each change in placement. When a student in foster care, completes the final grade level served by the school of origin, the school/district of origin shall become the designated receiving school at the next grade level for all feeder schools.[\[8\]](#)

Students Experiencing Educational Instability

Student Experiencing Educational Instability means a student who has experienced one (1) or more changes in school enrollment during a single school year due to any of the following:[\[4\]](#)

1. Homelessness, if such.[1][3][7]
2. An adjudication of:[23][24]
 - a. Dependency relating to child protective services and juvenile matters;
 - b. Delinquency, if disclosed by the student’s parent/guardian; or
 - c. As part of court-ordered services under a voluntary placement or custody agreement.
3. Placement in, or a change in placement relative to, foster care.[25]

NOTE: Students experiencing homelessness and students in foster care are *not* considered to be students experiencing educational instability if they remain in the same school for a given school year.

Guidelines

Students enrolled in this district experiencing homelessness, in foster care, and/or experiencing educational instability shall be provided support and services, as appropriate to each individual student’s needs, in accordance with Board policy.[1][2][3][4][5][6][7][8]

Minimal documentation shall be required for a student experiencing homelessness, in foster care, and/or educational instability to qualify for supports and services.

The district’s point of contact(s)/liaison shall ensure outreach and coordination with the following, as appropriate to each individual student’s needs:

1. Other local service agencies and entities that provide services to students experiencing homelessness, in foster care, and/or experiencing educational instability.
2. Other school districts on issues of prompt identification, transfer of records, transportation and other inter-district activities.
3. District staff responsible for the provision of services under Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act.[11][28]

Information related to a student’s status as one experiencing homelessness, in foster care, and/or experiencing educational instability status shall be confidential and disclosed by the point of contact(s)/liaison, or other administrators, only to other school staff who have a legitimate need to know unless authorized by the student or parent/guardian.[29][30]

Training -

The district's point of contact(s) and/or liaison, as appropriate, shall provide professional development and training to school staff on the education needs of students experiencing homelessness, in foster care, and/or experiencing educational instability.

Timeliness of Enrollment -

When a district receives a student experiencing homelessness, in foster care, and/or experiencing educational instability, the district shall immediately enroll the student and begin instruction, even if: [\[4\]](#)[\[5\]](#)[\[7\]](#)[\[29\]](#)[\[30\]](#)[\[31\]](#)[\[32\]](#)[\[33\]](#)[\[34\]](#)[\[35\]](#)

1. The student is unable to produce records normally required for enrollment. [\[27\]](#)[\[31\]](#)
2. The application or enrollment deadline has passed. [\[27\]](#)[\[31\]](#)[\[32\]](#)

The district's point of contact(s)/liaison shall immediately contact the district/school last attended by the student to obtain relevant academic or other records. [\[27\]](#)

Grade Level Assignment -

If the district is unable to determine the student's grade level due to missing or incomplete records, the district may administer tests or utilize appropriate means to determine the student's assignment within the school. [\[36\]](#)

Education Records -

Information about a student who is experiencing homelessness, in foster care, and/or experiencing educational instability shall be treated as a student education record subject to the protections of the Family Educational Rights and Privacy Act (FERPA), and shall not be deemed to be directory information. [\[29\]](#)[\[30\]](#)[\[39\]](#)

The district may disclose personally identifiable information from the education records of a student without written consent of the parent/guardian or the eligible student if the disclosure is: [\[29\]](#)[\[30\]](#)[\[39\]](#)

1. To comply with a court order authorizing the disclosure of education records in a case where a parent is a party to a proceeding involving child abuse or neglect or a dependency matter.
2. To an agency caseworker or other representative of a state or local child welfare agency, or tribal organization, who has the right to access a student's case plan, as defined and determined by the state or tribal organization, when such agency or organization is legally responsible, in accordance with state or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure

and such disclosure is consistent with the state or tribal laws applicable to protecting the confidentiality of a student's education records.

STUDENTS EXPERIENCING HOMELESSNESS

This section applies only to students who are experiencing homelessness. For students experiencing homelessness, who have also experienced one (1) or more changes in school enrollment during a single school year, *please also* refer to the *Students Experiencing Educational Instability*, section of this policy.

Delegation of Responsibility

The Board designates the Director of Pupil Services (or Designee) to serve as the District's liaison for students experiencing homelessness.[\[27\]](#)

Guidelines

The district's liaison shall ensure outreach and coordination with state and local housing agencies responsible for comprehensive housing affordability strategies, as appropriate to each individual student's needs.

Information used to determine that a student is experiencing homelessness may be confirmed verbally, in writing, or by another manner by shelter providers, outreach workers, case managers, and others.

Additional Responsibilities to Support Homeless Students -

The district's liaison shall ensure that public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents/guardians of homeless children and youths, and unaccompanied youths, including schools, shelters, public libraries and soup kitchens. Such notice shall be provided in a manner and form understandable to the parents/guardians of homeless children and youths, and unaccompanied youths.[\[27\]](#)

The district's liaison shall provide reliable, valid and comprehensive data to the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program in accordance with federal and state laws and regulations.[\[27\]](#)

Additional Training to Support Homeless Students –

The district's liaison shall participate in professional development programs and other technical assistance activities offered by the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program.[\[27\]](#)

The district's liaison shall arrange professional development programs for school staff, including office staff.[\[27\]](#)

School personnel providing services to homeless children and youths, including school enrollment staff, shall receive professional development and support to:[\[27\]](#)

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

Enrollment -

Except when an unaccompanied youth or the parents/guardians of a student experiencing homelessness request otherwise, it shall be presumed that a student experiencing homelessness shall continue to be enrolled in their school/district of origin unless it is determined that it is not in the student's best interest to remain in the school/district of origin.[\[27\]](#)

In accordance with the best interest of the student who is experiencing homelessness, the district shall continue to enroll a student who is experiencing homelessness in the student's school of origin within the district while the student remains homeless and through the end of the academic year in which the student obtains permanent housing.[\[27\]](#)

An unaccompanied youth or the parents/guardians of a student experiencing homelessness may request enrollment in any grade-appropriate school within the district regardless of the district attendance area where the student is actually living or a school of origin in another district.[\[27\]](#)

The district's liaison shall assist an unaccompanied youth in placement or enrollment decisions, giving priority to the views of the student in determining where the student will be enrolled.[\[27\]](#)

Best Interest Determination -

The best interest determination shall be made in accordance with federal and state laws and regulations, court orders, and established local procedures.

In making a best interest determination, the district shall:[\[27\]](#)

1. Give priority to the request of the parent/guardian or unaccompanied youth.
2. Consider student-centered factors related to impact of mobility on achievement, education, appropriateness of the current educational setting, health and safety, and proximity to living arrangements.

The cost of transportation shall not be used as a factor in the best interest determination.[\[27\]](#)

Documentation related to the best interest determination shall be maintained in the student's education record.[\[29\]](#)[\[30\]](#)

Dispute Resolution -

If the district determines that it is not in the best interest of a student who is experiencing homelessness to attend the school of origin or the school requested by the unaccompanied youth or parent/guardian, the district shall provide the unaccompanied youth or parent/guardian with a written explanation of the reasons for its determination. The explanation shall be in a manner and form understandable to the unaccompanied youth or parent/guardian and shall include information regarding the right to appeal.[\[27\]](#)

If a dispute arises over eligibility, enrollment, or school selection:[\[27\]](#)

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

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

Transportation -

The district shall provide transportation for homeless students to the school that is determined to be in their best interest. [\[10\]](#)[\[27\]](#)

If the school of origin is outside district boundaries or students experiencing homelessness live in another district but will attend their school of origin in this district, the districts shall agree upon a method to apportion the responsibility and costs of the transportation.[\[27\]](#)

STUDENTS IN FOSTER CARE

This section applies only to students who are in foster care. For students who are in foster care, who have also experienced one (1) or more changes in school enrollment during a single school year, ***please also*** refer to the section of this policy, *Students Experiencing Educational Instability*.

Delegation of Responsibility

The Board designates the Director of Pupil Services (or Designee) to serve as the district's point of contact for students in foster care.[\[6\]](#)

Guidelines

The district's point of contact shall ensure outreach and coordination with the local children and youth agency to: [\[6\]](#)

1. Establish formal mechanisms to ensure that the district is promptly notified when a child enters foster care or changes foster care placements;
2. Develop a protocol on how to make best interest determinations; and
3. Develop and coordinate transportation procedures.

Best Interest Determination –

The best interest determination shall be made in accordance with federal and state laws and regulations, court orders, and established local procedures.

In making a best interest determination, the BID Team shall consider student-centered factors related to impact of mobility on achievement, education, appropriateness of the current educational setting, health and safety, and proximity to living arrangements including foster care placement.[\[5\]](#)[\[6\]](#)

The cost of transportation shall not be used as a factor in the best interest determination.

Documentation related to the best interest determination shall be maintained in the student's education record.[\[29\]](#)[\[30\]](#)

Dispute Resolution –

If a dispute arises over the appropriate school placement for a student in foster care, to the extent feasible and appropriate, the student shall remain in their school of origin, pending resolution of the dispute.[\[2\]](#)[\[38\]](#)

Students Discharged From Foster Care

A student who has been discharged from foster care may be permitted to finish the semester in this district, if appropriate, without payment of tuition.

Transportation –

The district shall ensure that children in foster care needing transportation to their school of origin promptly receive transportation in a cost-effective manner.[\[6\]](#)[\[10\]](#)

To ensure that transportation for children in foster care to their school of origin is provided, arranged, and funded, the district shall collaborate with the local children and youth agency to develop a local transportation plan.[\[6\]](#)

The transportation plan shall address the following:[\[6\]](#)

1. The procedure the district and local children and youth agency will follow to provide transportation for children in foster care in a cost-effective manner and in accordance with applicable law.[\[8\]](#)
2. Dispute resolution procedures to ensure that any disagreements regarding the cost of transportation are resolved promptly and fairly, and do not impact a student's ability to remain in the school of origin during the dispute resolution process.

The district shall submit the local transportation plan, including any updates or revisions, to the Pennsylvania Department of Education.

Transportation shall be provided to students in foster care in accordance with the local transportation plan regardless of whether transportation is provided to district students.

STUDENTS EXPERIENCING EDUCATIONAL INSTABILITY

**** Students experiencing homelessness and students in foster care who have NOT experienced one (1) or more changes in school enrollment during a single school year do not fall into this Section. ****

Delegation of Responsibility

The Board designates the Director of Pupil Services (or Designee) to serve as the district's point of contact for students in experiencing educational instability.[\[4\]](#)

Guidelines

Information used to determine that a student is experiencing educational instability may be confirmed verbally, in writing, or by another manner by outreach workers, case managers, juvenile probation officers, and others.

The name and contact information of the district's point of contact shall be included in the student's education records and provided to the student's education decision maker.[\[4\]](#)

The district's point of contact, in consultation with the school counselor, school social worker, home and school visitor, and/or school psychologist and the student's Individualized Education Program (IEP) team or Section 504 Team, shall:[\[4\]](#)

1. Facilitate the student's expedited consultation with the school counselor or other mental health professionals, as appropriate.
2. Facilitate the prompt placement of the student in appropriate courses.
3. Connect the student with educational services that meet the student's specific needs.
4. Immediately request the prior school entity, county agency, and the student's education decision maker to provide the complete student information and records, including an

IEP or Section 504 service agreement, if applicable. Within ten (10) business days, the prior school entity located within Pennsylvania, including schools with residential placements, shall provide the requested information and records to ensure proper transfer of course credits, grades and an IEP or Section 504 service agreement, if applicable.

5. Develop and execute a graduation plan in collaboration with the student in grades nine (9) through twelve (12). The graduation plan shall be customized to meet the specific needs of the student and shall detail the courses necessary for on-time graduation and transition to postsecondary education or the workforce. The graduation plan shall be included in the student's education records.

Dispute Resolution -

If a dispute involving a student experiencing educational instability arises, the concern shall be addressed and/or resolved at the lowest appropriate level in accordance with Board policy.[37]

Course Credit and Graduation -

The district shall ensure that each student experiencing educational instability in grades nine (9) through twelve (12) is provided with a graduation plan to facilitate the student's timely graduation. The graduation plan shall specify the courses and other requirements necessary for the student to graduate. The district's efforts to ensure that the student experiencing educational instability graduates in a timely manner may include:[4][5][6]

1. Waiving a specific course required for graduation if similar coursework has been satisfactorily completed in another school entity or the student has demonstrated competency in that content area. Evidence as to whether coursework has been satisfactorily completed and the amount of full or partial credit assigned, may be determined through any of the following:[4][19]
 - a. Competency demonstration, which could include, but is not limited to:
 - i. Submission of an essay, presentation or project.
 - ii. Recognition that the student has already successfully completed a higher-level course, an experiential learning opportunity or internship that demonstrates competence in the content area.
 - b. Performance on an examination.
 - c. Successful completion of a career and technical education course.
 - d. Other evidence or method determined appropriate by the district.
2. If a specific course requirement cannot be waived, the district shall provide an alternative or modified course of study that is currently offered to students and that will assist the student with acquiring the required work or competency requirements by the anticipated

graduation date.

3. If, after considering full and partial course credits, waiving courses or providing alternative courses of study, the district determines that the student meets the established graduation requirements, the student shall be allowed to participate in the graduation ceremony and graduate with their peers.

If the student is determined not eligible for graduation, the district may request a high school diploma from the prior school entity. The prior school entity may issue a diploma if the student meets the prior school entity's graduation requirements.

Keystone Diploma –

In any school year for which demonstration of proficiency on a Keystone exam is required for graduation, a student who has successfully satisfied the graduation requirements may obtain a secondary school diploma known as the Keystone Diploma from the Pennsylvania Department of Education, if both of the following provisions apply:[\[4\]\[43\]](#)

1. All other graduation options have been exhausted.
2. The student is unable to obtain a diploma from the student's prior or receiving school entity.

The district's point of contact shall assist the student in determining the student's eligibility for a Keystone Diploma and, if eligible, obtaining the Keystone Diploma from the Pennsylvania Department of Education.[\[4\]\[43\]](#)

Students with Disabilities –

Students experiencing educational instability who have an IEP shall maintain the right to special education and the right to graduate either through attainment of credits or through the completion of the goals established in their IEP.[\[11\]\[19\]](#)

Legal References

1. 22 PA Code 11.18
2. 24 P.S. 1305
3. 24 P.S. 1306
4. 24 P.S. 1331.1
5. 20 U.S.C. 6311
6. 20 U.S.C. 6312
7. 42 U.S.C. 11431 et seq
8. 42 U.S.C. 675
9. Pol. 221
10. Pol. 810
11. Pol. 113
12. Pol. 115

13. Pol. 121
14. Pol. 122
15. Pol. 123
16. Pol. 114
17. Pol. 231
18. Pol. 124
19. Pol. 217
20. Pol. 223
21. Pol. 808
22. Pol. 110
23. 23 Pa. C.S.A. 6301 et seq
24. 42 Pa. C.S.A. 6301 et seq
25. 45 CFR 1355.20
26. 42 U.S.C. 11434a
27. 42 U.S.C. 11432
28. Pol. 103.1
29. Pol. 113.4
30. Pol. 216
31. Pol. 200
32. Pol. 201
33. Pol. 203
34. Pol. 204
35. Pol. 209
36. Pol. 206
37. Pol. 906
38. Pol. 202
39. 20 U.S.C. 1232g
40. Pol. 146
41. Pol. 918
42. Pol. 138
43. 24 P.S. 121
20 U.S.C. 6301 et seq
22 PA Code 403.1
34 CFR Part 99
67 Fed. Reg. 10698
PA Education for Homeless Children and Youth State Plan
Basic Education Circular, August 1, 2022: Act 1 of 2022 - Assisting Students Experiencing
Education Instability
Ensuring Educational Stability for Foster Care Youth - Transportation Plan Guide

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