LENAPE TECHNICAL SCHOOL

SECTION: PUPILS

TITLE: STUDENTS EXPERIENCING HOMELESSNESS AND OTHER EDUCATIONAL INSTABILITY

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251 STUDENTS EXPERIENCING HOMELESSNESS AND OTHER EDUCATIONAL INSTABILITY

1. Purpose

The Joint Operating Committee recognizes the challenges encountered by students experiencing homelessness and other educational instability. The Joint Operating Committee, in coordination with the school district of residence, is committed to facilitating the immediate admission; eliminating barriers to the attendance, education and graduation; and providing additional supports in compliance with federal and state laws, regulations and Joint Operating Committee policy, for such students. [1][2][3][4][5][6]

2. Authority

The Joint Operating Committee directs the school to collaborate with staff, other school entities, local agencies and other entities in supporting the needs of students experiencing educational instability.

The Joint Operating Committee shall ensure that students experiencing educational instability have equal access to the same educational programs, activities and services provided to other students in the school. [1][2][3][4][5][6]

The Joint Operating Committee authorizes the Administrative Director to waive specific requirements in policies, procedures and administrative regulations to the extent that they create barriers to the admission and attendance of students experiencing educational instability. Such waivers include, but are not limited to, requirements regarding: [1][2][3][4][5][6]

1. Dress Code. [7]
2. Transportation. [8]
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. [9][10][11][12][13]
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. [7][10][11][14][15][16][17][18] 5. Graduation. [15] 6. Registration deadlines. It is the policy of the Joint Operating Committee that no student shall be discriminated against, segregated or stigmatized based on their status as a student experiencing educational instability.
3. Definitions	**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: [3] 1. Homelessness. [1][2][6] 2. An adjudication of: [19][20] 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. **Homeless children and youths** means individuals who lack a fixed, regular and adequate night-time residence, and includes: [21] 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 night-time residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; 3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; 4. Migratory children who qualify as homeless because they are living in circumstances described above; and

	5. School-aged parents living in houses for school-aged parents if they have no other available living accommodations. **School of origin** is the school in which the student experiencing educational instability was last enrolled. The **school of origin** for a homeless child or youth is the last school in which the child or youth was enrolled when permanently housed or the school in which the homeless child or youth was last enrolled. When the child or youth 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. [22] **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. [21]
4. Delegation of Responsibility	The Joint Operating Committee designates the Special Programs Coordinator to serve as the school's point of contact for students experiencing educational instability. [3][4][22] The name and contact information of the point of contact shall be included in the student's education records and provided to the student's education decision maker. [3] The school's point of contact shall coordinate with the point of contact from the school district of residence to ensure outreach and coordination with the following, as appropriate to each individual student's needs: [3][4][22] 1. Local children and youth agency to: a. Establish formal mechanisms to ensure that the school is promptly notified when a child enters foster care or changes foster care placements; b. Develop a protocol on how to make best interest determinations; and c. Develop and coordinate transportation procedures. 2. Other local social service agencies and entities that provide services to students experiencing educational instability. 3. Other school districts on issues of prompt identification transfer of records, transportation and other inter-district activities. 4. Staff responsible for the provision of services under Section 504 of the

Rehabilitation Act and the Individuals with Disabilities Education Act. [9][23]

5. State and local housing agencies responsible for comprehensive housing affordability strategies.

The point of contact, in coordination with the point of contact from the school district of residence, shall consult with the school counselor(s), school social worker(s), home and school visitor(s) or school psychologist(s) and the student's Individualized Education Program (IEP) team or Section 504 Team, to: [3]

1. Facilitate the student's expedited consultation with the school's 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 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 post-secondary education or the workforce. The graduation plan shall be included in the student's education records.

Additional Responsibilities to Support Homeless Students -

The school's point of contact shall coordinate with the point of contact from the school district of residence to 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. [22]

	The school's point of contact shall provide reliable, valid and comprehensive data to the Coordinator of Pennsylvania Education for Children and Youth Experiencing Homelessness (ECYEH) Program in accordance with federal and state laws and regulations. [22] <u>Training</u> The point of contact shall provide professional development and training to staff on the education needs of students experiencing educational instability. *Additional Training to Support Homeless Students –* The point of contact 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. [22] The point of contact shall arrange professional development programs for staff at the school, including office staff. [22] Personnel providing services to homeless children and youths, including staff responsible for admission of students, shall receive professional development and support to: [22] 1. Improve identification of homeless children and youths and unaccompanied youths; 2. Understand the rights of such children, including requirements for immediate admission and transportation; and 3. Heighten the awareness of, and capacity to respond to, the educational needs of such children.
5. Guidelines	Students of this school who are experiencing educational instability shall be provided support and services, as appropriate to each individual student's needs, in accordance with Joint Operating Committee policy. [3] Minimal documentation shall be required for a student experiencing educational instability to qualify for supports and services. Information used to determine that a student is experiencing educational instability may be confirmed verbally, in writing or by another manner by shelter providers, outreach workers, case managers, juvenile probation officers and others. Parents/Guardians and students have the authority to determine what information shall be shared with the school.

Information related to the student's educational instability status shall be confidential and disclosed by the point of contact or other administrators only to other school staff who have a legitimate need to know unless authorized by the student or parent/guardian. [24][25]

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 determining the best interest of a student experiencing educational instability, the school, in coordination with the school district of residence, shall: [4][22]

1. Presume that keeping the child or unaccompanied youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the parent/guardian or unaccompanied youth. [22]

2. In the case of a homeless child or unaccompanied youth, give priority to the request of the parent/guardian or unaccompanied youth.

3. 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.

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. [24][25]

Timeliness of Admission –

When the school receives a student experiencing educational instability from a participating school district, the school shall immediately admit the student and begin instruction, even if: [3][4][6][24][25][26][27][28]

1. The student is unable to produce records normally required for admission. [22]
2. The application or admission deadline has passed. [22][26]

The school's point of contact, in coordination with the point of contact from the school district of residence, shall immediately contact the school last attended by the

student to obtain relevant academic or other records. [22]

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

Placement -

If the school is unable to determine the student's appropriate placement due to missing or incomplete records, the school may administer tests or utilize appropriate means to determine the student's placement within the school programs. [29]

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 Joint Operating Committee policy, unless otherwise stated below. [30]

Dispute Resolution for Homeless Students -

If the school and the school district of residence determine that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent/guardian or unaccompanied youth, the parent/guardian or unaccompanied youth shall be provided with a written explanation of the reasons for its determination. The explanation shall be in a manner and form understandable to the parent/guardian or unaccompanied youth and shall include information regarding the right to appeal. [22]

If a dispute arises: [22]

1. The parent/guardian or unaccompanied youth shall be referred to the school's point of contact, 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 school's point of contact, in coordination with the point of contact from the school district of residence, shall issue a written decision of the dispute within twenty (20) business days of being notified of the dispute.

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

Education Records

Information about a student's 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. [24][25][31]

The school 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: [24][25][31]

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.

Comparable Services

Students experiencing educational instability shall be provided services comparable to those offered to other students, including, but not limited to: [2][22][32]

1. Transportation services. [8]
2. School nutrition programs. [17]
3. Career and technical education programs.
4. Educational programs for which the student meets eligibility criteria, such as:
    a. Services provided under specific federal, state or local programs.
    b. Programs for English Learners.[33]
    c. Programs for students with disabilities. [9]
    d. Programs for gifted and talented students. [12]

Course Credit and Graduation

The school, in coordination with the school district of residence, 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 school's efforts to ensure that the student experiencing educational instability graduates in a timely manner may include:[3][4][5]

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:[3][15]
    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 school.
2. If a specific course requirement cannot be waived, the school 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 school 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 school 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 PA Department of Education, if both of the following provisions apply:[3][34]

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 school's point of contact shall coordinate with the point of contact at the school district of residence to assist the student in determining the student's eligibility for a Keystone Diploma and, if eligible, obtaining the Keystone Diploma from the PA Department of Education.[3][34]

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, in accordance with applicable law, regulations, Joint Operating Committee policy, administrative regulations and state guidance.[9][15]

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Legal References
1. 22 PA Code 11.18
2. 24 P.S. 1306
3. 24 P.S. 1331.1
4. 20 U.S.C. 6311
5. 20 U.S.C. 6312
6. 42 U.S.C. 11431 et seq
7. Pol. 221
8. Pol. 810
9. Pol. 113
10. Pol. 121
11. Pol. 122
12. Pol. 114
13. Pol. 231
14. Pol. 124
15. Pol. 217
16. Pol. 223
17. Pol. 808
18. Pol. 110
19. 23 Pa. C.S.A. 6301 et seq
20. 42 Pa. C.S.A. 6301 et seq

	21. 42 U.S.C. 11434a 22. 42 U.S.C. 11432 23. Pol. 103.1 24. Pol. 216 25. Pol. 113.3 26. Pol. 201 27. Pol. 204 28. Pol. 209 29. Pol. 206 30. Pol. 906 31. 20 U.S.C. 1232g 32. Pol. 146 33. Pol. 138 34. 24 P.S. 121 20 U.S.C. 6301 et seq 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 © PSBA 2023