

3.20.100 EDUCATION FOR CHILDREN AND YOUTH EXPERIENCING HOMELESSNESS (ECYEH)

POLICY AND PURPOSE

The Board of Trustees of the School is committed to ensuring that all students experiencing homelessness have equal access to educational programs and services, in compliance with the McKinney-Vento Homeless Education Assistance Act, The Education for Children and Youth Experiencing Homelessness program (ECYEH), which is an initiative of the Pennsylvania Department of Education, and other federal and state laws and regulations. No students shall be discriminated against, segregated or stigmatized based on their homeless status. The School shall make reasonable efforts to promptly identify students experiencing homelessness, encourage their enrollment, and eliminate barriers to their attendance and education.

QUALIFYING DEFINITION OF HOMELESS STUDENTS

Homeless students are defined as individuals lacking a fixed, regular, and night-time residence, including those experiencing the following conditions:

- Sharing the housing of other persons due to loss of housing or economic hardship;
- Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
- Living in emergency, transitional or domestic violence shelters;
- Abandoned in hospitals;
- Having a primary nighttime residence that is a public or private place not designated for or ordinarily used as regular sleeping accommodations for human beings; or
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings.

Others who may qualify include:

- Unaccompanied (not living in direct care of a legal parent or guardian) youths;
- Refugee or migratory children who are living in circumstances described above; or
- School-aged parents living in houses for school-aged parents if they have no other available living accommodations.

STUDENT RIGHTS

Eligible students have rights to the following:

- Equal access to all educational programs, extracurricular activities and all other opportunities, as students who can show proof of residency
- “School stability,” for continued attendance at their current school or the school attended prior to becoming homeless, and may stay in the same school even if they move again, until permanent and adequate housing is secured
- Alternatively, immediate enrollment in a new school where eligible students are now living or where they have “any substantial connection,” even without documentation ordinarily required for enrollment
- Free transportation to and from a student’s school of origin
- Free school meals
- Free school uniform and school supplies

DELEGATION OF RESPONSIBILITY

The Board of Trustees of the School directs the Chief Executive Officer to designate a Liaison (McKinney-Vento Liaison) for homeless students and their families to protect their rights and to implement this policy. Upon recommendation of the Chief Executive Officer, the School may waive school policies and administrative procedures which may create barriers to the identification, enrollment, attendance, transportation, school stability and success of students experiencing homelessness. Confidentiality must be maintained.

The McKinney-Vento Liaison has the following responsibilities:

- Identify homeless students and unaccompanied youths;
- Ensure that homeless students and unaccompanied youths have full and equal opportunity to participate in all applicable school programs, academic and extracurricular;
- Identify and assist in removal of barriers to success in school for homeless students and unaccompanied youths;
- Ensure school stability for homeless students and unaccompanied youths by allowing continued enrollment at the School, upon presumption that remaining at their school of origin is in their best interest, or deciding the matter upon a best interest determination;

- Ensure immediate enrollment of new students who are homeless or unaccompanied youths with provision of instruction, if enrollment is sought at the School, pending a best interest determination -- even if documentation ordinarily required for enrollment is incomplete, in which case assistance must be given for obtaining enrollment documents;
- Assist in obtaining academic and relevant records from the school where the student attended prior to becoming homeless;
- Assist students and youths who do not have immunizations or immunization or medical records to obtain necessary immunizations or medical records; Arrange transportation to and from the school of origin as necessary to ensure school stability;
- Ensure that unaccompanied youths and families of students experiencing homelessness have access to and receive educational services for which they are eligible, and referrals to services for health care, dental, mental health, substance use, housing and other appropriate services;
- Inform parents/guardians of the educational rights and related opportunities available to their children, and provide them with meaningful opportunities to participate in the education of their children;
- Ensure that school selection or enrollment disputes are handled in accordance with Dispute Resolution procedures promulgated by the Pennsylvania Department of Education;
- Inform unaccompanied youths and parents/guardians of students experiencing homelessness about their right to disagree with the school's decision and how to challenge it.

The McKinney-Vento Liaison shall coordinate with:

- Local service agencies that provide services to students and families experiencing homelessness and unaccompanied youths;
- School districts regarding issues of records transfer, per pupil allocation, transportation and special education programs to ensure that homeless students and unaccompanied youths who are in need of special education and related services are located, identified and evaluated; and
- State and local housing agencies responsible for comprehensive housing affording strategies.

The McKinney-Vento Liaison is responsible for supporting and educating others regarding McKinney-Vento compliance requirements, including professional development for school personnel. This responsibility also includes dissemination of public notice of educational rights of students experiencing homelessness and unaccompanied youths in places such as schools, shelters, public libraries and soup kitchens; such notice shall be provided in a manner and form understandable to parents/guardians and unaccompanied youths.

The McKinney-Vento Liaison will be responsible for creating processes necessary to effectuate McKinney-Vento compliance, and is directed to utilize appropriate and applicable forms and procedures promulgated by the Pennsylvania Department of Education.

BEST INTEREST DETERMINATION

The School ensures that the best interests of students and families experiencing homelessness and unaccompanied youths are primary considerations. This means that homeless students and unaccompanied youths shall remain at the School, unless it is determined that it is not in their best interest to remain at their school of origin.

The best interest determination is completed by the School if the school of origin. In case of disputes, PDE's Dispute Resolution procedures shall be followed.

CAMPUS LIAISONS

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PROCEDURES FOR STUDENTS EXPERIENCING HOMELESSNESS

Responsibilities

The responsibilities and procedures of the LEA and its McKinney-Vento Liaison, regarding protection of the rights of students experiencing homelessness and unaccompanied youths, are set forth in the Students Experiencing Homelessness and Admissions Policies, which are incorporated herein by reference.

These responsibilities shall be carried out with respect to the best interests of such students, and safeguarding their rights under the McKinney Vento Act and ECYEH, including prompt identification, encouragement of their enrollment, and elimination of barriers to their attendance and education. No students shall be discriminated against, segregated or stigmatized based on their homeless status. Such students and unaccompanied youths enjoy equal access to all educational programs, extracurricular activities and other opportunities afforded to all other students at the School.

Enrollment

Upon presumption that remaining in the school of origin is in the best interest of students experiencing homelessness or unaccompanied youths, the School shall continue their enrollment, instruction, and services while they remain homeless and through the end of the academic year in which they obtain permanent housing.

For new students experiencing homelessness or unaccompanied youths who seek enrollment, the School shall immediately enroll them and begin instruction:

1. Even if unable to produce records normally required for enrollment – immunization records, proof of age, and/or an Act 26 statement (parent registration form relating to school discipline) – in which case immediate assistance must be rendered to help secure these records.
2. The school last attended by the student shall be contacted immediately in order to obtain academic or other relevant records.
3. Eligible students must provide an address where they are living if possible, but need not do so in order to enroll in school.
4. Parents/guardians may be required to submit contact information.
5. If the School is unable to determine the student's grade level due to missing or incomplete records, administration of tests or utilization of appropriate means may determine the student's assignment within the school.
6. If validity of a claim of homelessness is questioned by staff, Dispute Resolution procedures should be followed.

The McKinney-Vento Liaison shall assist unaccompanied youths in placement or enrollment decisions, giving priority to their views in determining where they will be placed or enrolled.

Best Interest Determination

The best interest determination is completed by the School, which shall:

1. Presume that keeping the student in the school of origin is in the student's best interest, except when doing so is contrary to the request of the parent/guardian or unaccompanied youth.
2. Consider student-centered factors related to impact of mobility on achievement, education, health and safety.
3. Consider the preferences of the parent/guardian or unaccompanied youth.
4. If, after such consideration, the School determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent/guardian or unaccompanied youth, the School shall provide the parent/guardian or unaccompanied youth with a written explanation of the reasons for its determination. The explanation shall be in a manner and form understandable to the parent/guardian or unaccompanied youth and shall include information regarding the right to appeal.
5. Forward all relevant records to a receiving school upon request if it is determined that attending the school of origin is not within the student's best interests.

Dispute Resolution

If a dispute arises over eligibility, enrollment or school selection, parents/guardians and unaccompanied youths shall be afforded the opportunity to challenge the school system's assertions. The School shall inform parents/guardians and unaccompanied youths that they may provide written or oral documentation to support their position in the Dispute Resolution prescribed by the Pennsylvania Department of Education:

Level 1 - Dispute Raised with the LEA

If a dispute arises over school selection or enrollment, students experiencing homelessness or unaccompanied youths must immediately be admitted to the school in which they are seeking enrollment, pending resolution of the dispute. The parent/guardian or unaccompanied youth should be referred to the McKinney-Vento Liaison, to ensure immediate enrollment, explanation of the dispute resolution process, and assistance in the process. The McKinney-Vento Liaison shall ensure that the School issues a written disposition of the dispute within twenty (20) business days after the McKinney-Vento Liaison is notified of the dispute. The disposition shall be provided to the parent/guardian or unaccompanied youth, explain the basis for the decision, and advise of the right to appeal.

The School should use and maintain copies of PDE's "Notice of Procedural Safeguards" form 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 LEA's decision.

Level 2 – Complaint Filed with a McKinney-Vento Coordinator

If the parent/guardian or unaccompanied youth is dissatisfied with the School's disposition of a dispute or would like to raise any issue of McKinney-Vento Act noncompliance, a complaint or an appeal may be filed with a McKinney-Vento regional or state coordinator. A regional 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 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 student or youth shall continue to be enrolled in the school in which enrollment is sought until the complaint or appeal is resolved or until a disposition from a McKinney-Vento coordinator is received.

If a decision cannot be reached or agreed upon at the regional coordinator level, the dispute will be forwarded to the state coordinator for resolution. The state coordinator will view all information and interview all concerned parties involved. PDE's Office of Chief Counsel (OGC) will be included in the resolution process as needed. If mediation services are needed, the state coordinator will assist in the mediation and may also invite those involved to have the dispute mediated at any time in the process through the voluntary Dispute Resolution Program operated by the OGC.

NOTE: The parent/guardian or unaccompanied youth may file a complaint with the McKinney- Vento regional or state coordinator on a complaint form developed by PDE. However, the use of PDE's form is not mandatory. Any dispute raised by a homeless family or unaccompanied 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.

Comparable Services

Students experiencing homelessness or unaccompanied youths shall be provided services comparable to those offered to other School students including, but not limited to:

1. Educational programs for which eligibility criteria are met such as:
 - a. Services provided under Title I or similar state or local programs
 - b. Programs for English Language Learners
 - c. Programs for students with disabilities
 - d. Programs for gifted and talented students
2. School nutrition programs
3. Support to ensure that students experiencing homelessness and unaccompanied youths can participate fully in extracurricular school activities and all other opportunities open to students of the LEA.

Students experiencing homelessness or unaccompanied youths are also entitled to school supplies and a school uniform. The uniform must be current, so that eligible students do not look different from other students or are stigmatized.

Title I, Part A funds may be used to provide a variety of support services, if reasonable and necessary to assist homeless students to take advantage of educational opportunities, and so long as funds or services are not available from other public or private sources used to provide similar services for economically disadvantaged students.

Transportation

The LEA must provide transportation to and from the school of origin for students experiencing homelessness or unaccompanied youths that is comparable to transportation that is provided to all enrolled students.

Even if a student becomes permanently housed in the middle of the year, transportation must continue to be provided until the end of the school year.

If a student needs to be transported across district lines, and the best interest determination dictates continued attendance at the school of origin, LEAs from both jurisdictions should work together. The McKinney-Vento Liaison should work with the transportation department at the student's school district to set up the transportation.

Training

The McKinney-Vento Liaison shall participate in professional development programs and other technical assistance activities offered by the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program.

The McKinney-Vento Liaison shall arrange professional development programs for school staff no less than annually, in order to:

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

Regional and State Coordinators

For questions or technical assistance, contact:

Colleen Landy-Thomas, MS (she/her)
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Storm Camara, State Coordinator
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References

Legal Authority

22 PA Code 11.18
42 U.S.C. 11431 et seq
34 CFR 299.19
42 U.S.C. 11431
42 U.S.C. 11432
42 U.S.C. 11434a
34 CFR 200.30

Policies

[3.20.20 Identification Activity \("Child Find"\) And Public Outreach And Awareness](#)

[3.20.110 Title I Family Engagement Policy](#)

[3.25.105 Transportation](#)

[3.25.05.A Philadelphia Performing Arts Admissions Policy](#)

[3.25.05.B The Philadelphia Charter School For Arts And Sciences Admissions Policy](#)