

Tantasqua Regional/Union 61 Public Schools

Serving children

from:

**BRIMFIELD BROOKFIELD HOLLAND STURBRIDGE
WALES**

McKinney- Vento Act: Homeless Education

Educational Stability: Students in Foster Care

Military Connected Students

Process Guide

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Definition of a Homeless Student:

Homeless children and youths: individuals who lack a fixed, regular, and adequate nighttime residence.

It 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, as amended) who qualify as homeless because they are living in circumstances described above.

Children who live by themselves or with their families in emergency or “homeless” shelters

- In its definition of “homeless children and youths”, McKinney-Vento includes children and youths living in transitional and emergency shelters. In almost every circumstance in which a person resides in a homeless shelter, they are to be considered homeless.

Children placed by the state in transitional or emergency shelters

- In its definition of “homeless children and youths” McKinney-Vento includes children and youths living in transitional and emergency shelters.

Children who are incarcerated in youth correction facilities

- Generally, children who are incarcerated for violation or alleged violation of the law should not be considered homeless even if, prior to incarceration, they would have met the definition provided by McKinney-Vento. However, children who are under the care of the state and are being held temporarily in an institution because they have no other place to live should be considered homeless.

“Unaccompanied youth”

- The term "unaccompanied youth" is defined, "a youth not in the physical custody of a parent or guardian."
- Children and youths are to be considered homeless as long as they meet the McKinney-Vento definition of homeless children and youths. This definition refers to the *actual residential status* of the student, (i.e. where the child actually resides at night). It does not refer to whether or not they are in the physical custody of a parent or guardian, nor does it refer to whether or not there are parents who have provided and are willing to provide a home for them. For example, a youth is considered homeless if they **reside** in an emergency shelter (according to the definition in McKinney-Vento), even if that youth has parents who have a house and are willing to provide a home for that youth.
- McKinney-Vento now includes provisions specifically addressing unaccompanied youths that are homeless. Most of these provisions delineate the responsibilities of the district's homeless liaison to students who are unaccompanied, while some sections require the State and LEA to address problems or situations specific to homeless students who are unaccompanied youth.

Children who run away from home

- Children and youths are to be considered homeless as long as they meet the McKinney-Vento definition of homeless children and youths. This definition refers to the actual residential status of the student (i.e. where the child actually resides at night). The definition does not refer to the relationship that the student has with the family.
- For example, if a student has run away from home and is now residing in a situation that meets the McKinney-Vento definition of homeless children and youths, then that student is considered to be homeless, even if that youth has voluntarily left their home and has parents who have a house and are willing to provide a home for that youth.

“Throwaway” children

- “Throwaway children” is the phrase given to describe children who have *not* run away from home, but whose parents or guardians will not permit them to live at home.
- The definition of “homeless children” does not refer to the relationship that the student has with the family, but where a child actually resides at night, therefore if a student's parents no longer permit that student to reside at home and that student is now residing in a situation which meets the McKinney-Vento definition of homeless children and youths, then that student is considered to be homeless, even if the parents feel that they had valid reason to refuse to allow the student to live at home.

Children who reside in a residence where multiple families live in a single-family residence

- The McKinney-Vento definition of homeless children and youths includes, "children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason." Therefore, students and/or families who have moved in with another family due to loss of housing, economic hardship, or for some similar reason are to be considered homeless; however, the "host family" is not considered homeless.
- McKinney-Vento does not offer any definitive parameters for determining when students live with multiple-families in a residence designed for a single-family. There is no case law, or any other mechanism, that provides more specific thresholds for determining whether such a situation satisfies the definition of "homeless children." Rather, the district must make a subjective determination as to the **reason** the student is residing in such a situation.
- In order to make this judgment, it is important to determine the recent residential history of the student, the stability of the living arrangements, the permanence of the arrangements, and where the family would live if they had to move out of the single family residence.

- Questions to ask might include:
 1. Where did you live before you moved into this single-family residence?
 2. Why did you move into this single-family residence?
 3. How long do you expect to live here?
 4. Where would you reside if you had to leave this situation immediately?
- Note that not all situations involving the loss-of-housing are related to finances, and many children living in these types of situations do so in violation of a contract or lease agreement. *Therefore, it is important that, in attempting to determine the homeless status of a student, districts are sensitive, and do not inadvertently create difficulty for the child or family at issue.*
- Note also that a child residing in such a situation **for some other reason** besides a loss of housing, economic hardship, or a similar reason is **not** considered homeless.

Children who live with friends or relatives

- Unless the child is living with multiple families in a single-family residence *because the child is homeless*, Massachusetts special education regulations regarding responsibility for students based on residency and enrollment apply.

School District's Responsibilities for Enrollment of Homeless Children or Youth:

When should homeless children and youth be enrolled in school?

- Immediately.

(1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth have equal access to the same, free, appropriate public education, including public preschool education, as provided to other children and youth.

*(i) The school selected in accordance with this paragraph **shall immediately** enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.*

Where can homeless children and youth enroll?

- McKinney-Vento requires that homeless children and youth have a choice, according to the child's or youth's best interest, of being enrolled either in their "school of origin" or in the public school of the attendance area where they now reside. They have this choice for the entire duration in which they are homeless **or**, in the case where a homeless student becomes permanently housed during an academic year, for the remainder of that academic year.
- In determining the best interest of the student experiencing homelessness, the Tantasqua Regional/Union 61 Public Schools shall, to the extent feasible, keep the homeless student in the school of origin, unless to do so is contrary to the wishes of the student's parent or guardian.
- If the Tantasqua Regional/Union 61 Public Schools sends a homeless student to any other school besides the school of origin or the school requested by the parent or guardian, or a dispute arises regarding a school selection, the Tantasqua Regional/Union 61 Public Schools must provide a **written explanation**, including a statement regarding the right of the parent or guardian to appeal this decision, to the parent or guardian. However, **if a dispute arises over a school selection decision, then the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute.**
- In cases where the homeless student is an unaccompanied youth, the **homeless liaison** shall assist in placement or enrollment decisions. The liaison will consider the views of the unaccompanied youth and provide notice to the youth of the right to appeal the LEA placement decision.
- In situations where the unaccompanied youth appeals the placement decision, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.
- The **school of origin** is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

Can a school require proof of residency (rent receipt, lease agreements, utility receipts, property tax receipts, etc.); or previous school records; or immunization records prior to enrolling a homeless child or youth that prevents or delays the child's enrollment?

- No.

- A homeless child or youth must be enrolled **immediately**, “*even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.*”
- Children in homeless situations be provided equal access to the same free, appropriate public education as provided other children and youth.
- Tantasqua Regional/Union 61 Public Schools cannot prevent the enrollment of children and youth without homes through residency requirements. Therefore, if a child is homeless, the inability to provide documentation of permanent residence may not prevent or delay the child's enrollment.

When a homeless child or youth is not living with parents or legal guardians, is the school district required to enroll the child?

- Yes.
- Massachusetts Special Education regulations require school districts to enroll *homeless* children or youth regardless of the residence of the child, either parent of the child, the child's legal guardian, or any other person having lawful control of the child.
- McKinney-Vento specifies that the choice regarding placement shall be made regardless of whether the child is living with parents or is an unaccompanied youth.

How can a district verify that a student is homeless?

- There is no general system of verification.
- In situations where homeless children are living in shelters, it may be possible to obtain verification from the shelter provider.
- In situations where runaway or homeless children are living with friends or relatives, local social service agencies may be able to verify the student's living arrangements.
- In situations where children are living in cars, campgrounds, or abandoned buildings, the only viable method of verification may be a visit by school personnel.
- When children, youth or families cannot verify their homelessness, their right to education is not diminished. It is recommended that denials of educational services **only** occur when the school district has **documented** evidence that the child or youth should **not** be considered homeless based upon the definitions of the McKinney Act.

What if it is determined that a child or youth applying for enrollment as homeless does not, in fact, meet the definition of homelessness?

- In these situations, eligibility for enrollment should be determined in the same manner it would for any child or youth that is not homeless.
- In circumstances in which it is determined that the child or youth is not homeless and not eligible for enrollment in the district in which they are applying for admission, the district should assist the student in determining the appropriate district in which to enroll.

- **School Responsibilities for Services**

What services must Tantasqua Regional/Union 61 Public Schools provide to children and youth in homeless situations?

- McKinney-Vento requires that school districts provide equal access to services for homeless children and youth that are **comparable** to services provided to other students in the school district. Tantasqua Regional/Union 61 Public Schools identifies and removes any barriers allowing access to all educational opportunities.
- Homeless children and youth automatically qualify for free school meals. This includes free lunch and if the school is serving breakfast and/or snacks your child will receive those as well. The homeless liaison will ensure that this happens.
- Homeless children and youth may participate in any school course, activity or event they are eligible for including school run after-school programs, sports teams, and summer school. Homeless children and youth will have access to special education, Title 1 services, gifted and talented programs, programs in career and technical education; and English Language programming if needed.
- Homeless children may be eligible for preschool; he/she may be enrolled or put on the waitlist. If he/she is on a waitlist or the school does not have an appropriate program, the homeless liaison may be able to refer you to a licensed early education and care program in your community that includes Head Start, Early Head Start and Family Child Care. Please use this link to access the Department of Early Education and Care website for more information- <http://www.mass.gov/edu/birth-grade-12/early-education-and-care/find-early-education-and-care-programs/>
- The Tantasqua Regional/Union 61 Public Schools must provide students experiencing homelessness with transportation to and from the school origin at the request of a parent, guardian, or, in the case of unaccompanied youth, the liaison will coordinate the transportation.
- Any barriers (such as financial, materials or transportation) the district will work with student and the family to provide for the need (i.e. Walmart gift card, brown bag lunch, school store access).
- Tantasqua Regional/Union 61 Public Schools provides translation and/or interpretive services in the primary language of the student/family.

Can school districts educate children and youth experiencing homelessness in separate schools (such as classrooms located on shelter sites)?

- Generally, no.
- §722(e)(3), "*PROHIBITION ON SEGREGATING HOMELESS STUDENTS*", prohibits the segregation of children and youth experiencing homeless into a separate school, or program within a school, based solely on such student's status as homeless.

TRANSPORTATION AND HOMELESS STUDENTS

- McKinney-Vento specifically address school districts responsibilities for providing transportation to homeless students.
- It states that school districts must provide homeless children with transportation to and from their school of origin, at the request of a parent, guardian, or, in the case of unaccompanied youth, homeless liaison.
- The **school of origin** is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.
- If the student's temporary residence and the school of origin are in the same school district, that district must provide or arrange transportation.
- If the student is living outside the school of origin's districts, the district where the student is living and the school of origin's district must determine how to divide the responsibility and cost of providing transportation, **or they must share the responsibility and cost equally.**
- Tantasqua Regional/Union 61 Public Schools are required to provide students experiencing homelessness with transportation services comparable to those provided other students, and it must be “promptly provided”. The District coordinates transportation immediately, and works closely with any other district as needed.

May a district refuse to provide transportation to the school of origin because of the length of time involved in transporting the child?

- Placement decisions (including transportation) can be made “according to the child’s or youth’s best interest.” In determining best interest regarding transportation issues, many factors could be considered including distance to school, programs available, etc. However, distance alone is *not* determinative, may be necessary to provide the option that is in the child’s best interest.

How are disagreements between districts regarding the arrangements and costs of transportation resolved?

- The responsibility as well as costs for providing transportation to and from a homeless student’s “school of origin” **will be shared equally** *unless* the districts agree to a different method of apportionment.

LEA Liaisons for Homeless Students

Must a local education agency designate a liaison for homeless children and youth?

- Yes. The Tantasqua Regional/Union 61 Public Schools building based liaisons are the school nurses and/or principals, and the district liaison is the special education director.

- McKinney-Vento requires all School Districts to designate an appropriate staff person, as a local educational agency liaison for homeless children and youth.
- Districts must inform school personnel, service providers, and advocates who work with families in homeless situations of the duties of the liaison.

Responsibilities of the Tantasqua Regional/Union 61 Schools homeless liaison- the liaison will ensure that:

1. Children and youth in homeless situations are identified by school personnel and through coordination activities with other entities and agencies (motels, hotels, shelters, social workers, churches, community support agencies);
2. Students enroll in, and have full and equal opportunity to succeed in, the schools of the Tantasqua Regional/Union 61 Public Schools, including programs in career and technical education and preschool;
3. Families, children, and youth receive educational services for which they are eligible, and referrals to other appropriate services including information and referrals for health care, dental services, mental health, meals and other appropriate services in the community;
4. Children and youth who have IEPs or 504 plans the Tantasqua Regional/Union 61 shall coordinate the provision of programs for children with disabilities served by the Districts and other involved LEAs;
5. Parents or guardians are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
5. Public notice of the educational rights of students in homeless situations is disseminated in public buildings, district website and handbooks;
6. Enrollment disputes are mediated in accordance with the Enrollment Disputes section. During the time of dispute, parents and guardians, as well as unaccompanied youth, are fully informed of all transportation services, including to the school of origin, and are assisted in accessing transportation services.

Liaisons will also:

- Assist children and youth who do not have immunizations, or immunization or medical records, to obtain necessary immunizations, or immunization or medical records.
- Provide information, education and training around homelessness and any impact on social, emotional, and behavioral implications.
- Coordinate any crises intervention, advocacy and clinical services for homeless students and/or families.
- Help unaccompanied youth choose and enroll in a school, after considering the youth's wishes, and provide youth with notice of their right to appeal an enrollment choice that goes against their wishes.

- Inform unaccompanied youth of their status as independent students and are provided with verification of their status for FASFA
- Ensure that unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement.
- Ensure 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.
- Ensure the school maintains for each homeless student records, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, so that the records are available, in a timely fashion, when the student enters a new school or school district
- Ensure necessary transfer of school records and other inter-district activities with other LEAs.
- Collaborate and coordinate with state coordinators, and community and school personnel responsible for the provision of education and related services to children and youth in homeless situations.
- Provide translation and/or interpretive services in the primary language of the student/family.

Ensuring Educational Stability for Students in Foster Care

Massachusetts maintains efforts to ensure educational access and stability for children in foster care as required by the federal *Every Student Succeeds Act* (ESSA) and the 2008 *Fostering Connections to Success and Increasing Adoptions Act of 2008* (Fostering Connections Act).

Educational stability has a lasting impact on students' academic achievement and wellbeing, and we are committed to supporting our district and community efforts to ensure that students in foster care have access to high-quality, stable educational experiences.

ESSA requires that foster care students continue to attend their school of origin, unless after a collaborative decision-making process it is determined to be in the student's best interest to enroll in and attend school in the district in which a foster care provider or facility is located (if different). ESSA also requires that when it is not in the student's best interest to remain in the school of origin, the student is immediately enrolled and attending in a new school district, even if records normally required for enrollment cannot be quickly produced. Additionally, ESSA requires DCF, ESE, and school districts to designate points of

contact; and also that the district collaborate with DCF to ensure that students will receive transportation to the school of origin if needed.

Best Interest Determination

Decisions about whether a student in foster care should continue to attend the school of origin should be made collaboratively by DCF, the student (as appropriate), the student's family and/or foster family (and if different, the person authorized to make educational decisions on behalf of the student), the school and district of origin, and (when different) the local district where the student is placed, and these parties should have the opportunity to participate meaningfully in the decision-making process. Best interest determinations should focus on the needs of each individual student and take into account a variety of factors. Every effort should be made to reach agreement regarding the appropriate school placement of a student in foster care. However, if there is disagreement regarding school placement for a student in foster care, DCF will finalize the best interest determination.

When DCF and the involved district(s) cannot agree about whether it is in the student's best interest to remain in the school of origin or to enroll and attend locally, and DCF makes a final decision that the district cannot accept, the district can seek review of DCF's decision by utilizing a Foster Care School Selection Dispute Resolution Process established by ESE and DCF. Decisions made through this process are not subject to review. Details are available from ESE and will be posted to the ESE's Foster Care page. Under ESSA, to promote educational stability, students should continue to attend their schools of origin while best interest determinations are being made.

Transportation

Some students in foster care will need transportation to remain in their schools of origin. Tantasqua Regional/Union 61 collaborates with DCF to determine how transportation will be provided and arranged to ensure that students in foster care who need transportation to remain in their school of origin will receive such transportation while in DCF care.

Immediate Enrollment

If it is in the best interest of a student in foster care to leave the school of origin, the student must be enrolled in school in the local school district immediately. To minimize disruption of the student's education, ESSA requires the district to enroll the student in a new school right away, without waiting to receive the typical student enrollment documentation (other than emergency contact information). The enrolling school must immediately contact the child's school

and district of origin to obtain the relevant records and documentation, and the school and district of origin should immediately transfer those records.

To facilitate enrollment, DCF representatives will present a Notice to LEA (Local Educational Agency) form that indicates that the student is in foster care, along with their state-agency identification badge, to the local school district when enrolling students. Note: DCF also presents a Notice to LEA to the school district in which a student is currently enrolled to indicate a change of placement/residential address within the same school district and/or a change of contact information of legal guardian/foster parent(s)/education decision maker/social worker, etc.

Contact Information

ESE and DCF will continue to develop guidance and gather best practices, and will post additional information to the [ESE foster care webpage](#) when available. In the meantime, if you have questions please contact [ESE's foster care contacts](#) or ESE's Associate Commissioner for Student and Family Support, [Rachelle Engler Bennett](#) (781-338-3205).

Military Connected Students

Who are Military-Connected Students?

Military-connected students are: children in Pre K-6 schools, adolescents in Middle and High School and students who are adolescents or young adults in Trade Schools that are official dependents of a Military Service member. A military-connected student has one degree of separation from their military sponsor; the connection may be biological, because of an adoption, through foster parenting or with in loco parentis authorization.

Every school district in this country has military-connected students and may present with many educational challenges such as:

- Separations from a parent or caregiver due to deployments
- High mobility rates – active duty families move every two to three years (This is approximately three times more often than the civilian population. Students often experience six to nine moves during their P-12 school education)
- Academic and social challenges attributed to frequent school changes, deployment of a parent(s), return of a deployed parent, injury to or death of a parent, etc.
- Understanding and interpreting new school regulations and policies
- Elevated stress – making new friends and finding a new peer group in a new school; adjustment to a new school, community, and home;
- At-risk for depression and anxiety due to relocation, deployment of a parent(s), etc.
- Adjusting to curriculum and instructional methods or school climate/culture that may differ from school to school.

Military Child Education Coalition

Tantasqua Regional School District strives to support Military Connected Students in any way needed. This includes assisting the family overcome any barriers (such as financial, materials, medical etc.) as they arise. School staff, (including administration, school nurse and guidance) are prepared to assist any family whenever necessary.

**MASSACHUSETTS DEPARTMENT OF
ELEMENTARY & SECONDARY EDUCATION**

*Homeless Education Advisory 2003 – 7B: Appeal of School District Enrollment and/or Transportation Decision**

You should complete this form if you are a parent, guardian, unaccompanied youth or caseworker for a student in the care and custody of the state who disagrees with a school enrollment and/or transportation decision. The District Homeless Education Liaison will assist you with this form and may take the information verbally if you wish.

Date: _____

Parent/Guardian/Unaccompanied Youth/Caseworker: _____

Student(s): _____

Phone #: _____

I wish to appeal the enrollment and/or transportation decision made by: _____

School: _____ District: _____

I have been provided with the following:

- a copy of the School District Notification of Enrollment Decision and the Massachusetts Department of Education (MADOE) Dispute process; and
- contact information for the district Homeless Education Liaison [the MADOE Office for the Education of Homeless Students contact information is printed below].

I disagree with the enrollment and or transportation (circle one or both) decision for the following reason(s):

- I know that I may contact the MADOE Office for the Education of Homeless Students:
Peter D. Cirioni @ 781-338-6294 Sarah Slutterback @ 781-338-6330
- I know that I may seek the assistance of advocates or attorneys.
- I want a copy of this written notice of appeal of school enrollment to be forwarded to:
Office for the Education of Homeless Students, Massachusetts Department of Education,
75 Pleasant Street, Malden, MA 02148 (Fax # 781-338-6332)

Signed: _____ Date: ____/____/____

* Amended on February 15, 2006.

Appendix A