

# Homeless Students Educational Procedures

## Gardner Public Schools

The goal of the McKinney-Vento Homeless Education Assistance Act is to ensure that each homeless child, or youth, has equal access to the same free, appropriate public education, including a public preschool education as provided to other children and youths.\*

\* Please refer to the district policy HOMELESS STUDENTS: ENROLLMENT RIGHTS & SERVICES (JFABD), for further information (Included at the end of this document).

### Definitions

The Massachusetts Department of Elementary and Secondary Education (DESE) has adopted Section 725(2) of the Act regarding the definition of homeless children and youth. Gardner Public School uses these same points to define homelessness as:

- Individuals who lack a fixed, regular, and adequate nighttime residence or have a primary nighttime residence in a supervised, publicly or privately operated shelter for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as a regular sleeping accommodation for human beings.

The definition shall also include:

- Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or 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; are abandoned in hospitals; or are awaiting foster care placement.
- Children and youth 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.
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Unaccompanied youth - a youth not in the physical custody of a parent or guardian.

## Enrollment

The Gardner Public Schools recognizes that consistent, uninterrupted education is vital for academic achievement. Due to the realities of homelessness and mobility, students in transition may not have enrollment documents available. Nonetheless, the school selected for enrollment must immediately enroll any child or youth in transition. Enrollment may not be denied or delayed due to a lack of documentation normally required for enrollment. This includes the following:

- Proof of residency
- Transcripts/school records. (The enrolling school must contact the student's previous school(s) to obtain records. Initial placement of students whose records are not immediately available can be made based on the student's age and information gathered from the student, parent, and previous teachers or schools.
- Immunizations or immunization/health/medical/physical records (if necessary, the school must refer students to the homeless liaison to assist with obtaining immunizations and/or immunizations and other medical records. Health records may often be obtained from previous schools. Local physicians may be contacted to initiate immunizations when needed)
- Proof of guardianship may often be obtained from a social worker or court documents
- Birth Certificate
- Any other documentation required, e.g. IEPs, Section 504 Plans, School Discipline Records
- Any documentation/factor related to the student's living situation

Unaccompanied youth must also be immediately enrolled in school. They may enroll themselves or be enrolled by a parent, non-parent caretaker, older sibling, or liaison from the courts or a state agency.

The terms “enroll” and “enrollment,” are defined to mean the attending school and availability to participate in school activities.

The school district recognizes the needs for enrollment of unaccompanied children and youth, and at the same time reserves its rights and legal authority to balance those needs versus the safety of the school. As a result these procedures and the accompanying policy do not preclude the district from exercising its rights to ensure the public safety of all of its children. Should the district find that information that was provided was deliberately falsified either orally or in writing, it reserves the right to pursue criminal charges to the extent of the law.

## **Transportation**

Without appropriate transportation, a student may not be able to continue attending his/her school of origin. To avoid such forced school transfers, transportation shall be provided to the school of origin for a child or youth in transition. Transportation will be provided for the entire time that the youth has a right to attend that school, as defined above, including during pending disputes. The homeless liaison shall request transportation to and from the school of origin for unaccompanied youth. The length of the commute will be considered in determining the feasibility of placement in the school of origin. Factors that may be considered are time of day of transportation, distance to and from school, age of the child or unaccompanied youth, medical or other disabilities. Parents and unaccompanied youth must be informed of this right to transportation before they select a school for attendance. Transportation will be provided until the end of the school year.

Transportation requests from schools should be made to the homeless liaison in a timely manner in order to avoid or minimize delay. If the student in transition is living in Gardner, but attending school in another district, the Gardner Public Schools will work mutually with the other district to determine who must arrange transportation. It is the Gardner Public School’s policy that inter-district disputes shall not result in a student in transition missing school. If such disputes occur, the Gardner Public Schools will arrange transportation and immediately bring the matter to the

State Coordinator for the Education of Homeless Children and Youth.

In addition to receiving transportation to and from the school of origin, children and youth in transition shall also be provided with other transportation services comparable to those offered to all other students.

## **Services**

Children and youth in transition shall be provided services comparable to services offered to other students in the school selected, including:

- Transportation (as described above)
- Title I (as described below)
- Educational services for which the student meets eligibility criteria, including special education and related services and programs for English language learners
- School nutrition programs
- Before and after school programs

The Gardner Public Schools recognize that children and youth in transition suffer from disabilities at a disproportionate rate, yet may not be frequently evaluated or provided with special education services. To address this problem, evaluations of children and youth suspected of having a disability receive evaluation services coordinated with the student's prior and subsequent schools, as necessary, to ensure timely completion of a full evaluation.

When necessary, the district will expedite the request for the designation of a surrogate parent.

If a student has an individualized education plan (IEP), or Section 504 Accommodation Plan, the enrolling school shall immediately implement said plan. Any necessary TEAM meetings or re-evaluations will be expedited. If complete records are not available, IEP TEAMS will use their best judgment in choosing the best course of action in balancing procedural requirements and the provision of services. In

all cases, the goal will be to avoid a disruption in services.

When applying any district policy regarding tardiness or absences, any tardiness or absences related to a child or youth's living situation will be excused. The Gardner Public Schools will ensure that every effort is made to identify and afford equal access to the curriculum and support services. The homeless liaison in concert with appropriate school personnel (guidance, school nurse) will refer students for appropriate outpatient healthcare services including dental, mental health services, and other appropriate services.

School personnel must also inform parents of all educational and related opportunities available to their children and provide parents with meaningful opportunities to participate in their children's education. All parent information required by any provision of these procedures must be provided in a form, with manner and language understandable to each parent.

## **Disputes**

If a dispute arises over any issue covered in the policy or procedures, the child or youth in transition shall be immediately admitted to the school in which enrollment is sought, pending final resolution of the dispute. The student shall also have the rights of a student in transition to all appropriate educational services, transportation, free meals, and Title I services, while the dispute is pending. The duration of responsibility for Gardner Public Schools for homeless students living outside of Gardner and transported to their school of origin in Gardner, will cease at the end of the school year.

The school where the dispute arises shall provide the parent or unaccompanied youth with a written explanation of its decision and the right to appeal, and shall immediately refer the parent, guardian, or youth to the district's homeless liaison. The liaison shall ensure the student is enrolled in the school of his or her choice and receiving services to which he/she is entitled and shall resolve the dispute as expeditiously as possible. The parent, guardian, or unaccompanied youth shall be given every opportunity to participate meaningfully in the resolution of the dispute. The liaison will keep records of all disputes in order to determine whether particular issues or schools are repeatedly delaying or denying enrollment of

children and youth in transition.

If a dispute arises over a homeless student's placement or enrollment in a school:

1. the school in which enrollment is sought immediately admits the homeless student, pending resolution of the dispute;
2. the school provides the parent or guardian of the school with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or unaccompanied youth to appeal the decision:
3. the student, parent, or guardian is referred to the homeless education liaison, who carries out the dispute resolution process prescribed by the Department of Elementary and Secondary Education and, in case of an unaccompanied youth, ensures that the youth is immediately enrolled in school pending resolution of the dispute.
4. Parents/guardians, are entitled to a written explanation of why services were not provided under the McKinney-Vento Act.

The final decision in a dispute resolution resides with the Massachusetts Commissioner of Education or their designee. If the district(s) cannot come to a resolution on their own, the Homeless Liaison will contact the Office for the Education of Homeless Children and Youth, and submit a formal request.

The Homeless Liaison for the Gardner Public Schools is the Director of Pupil Personnel Services, and can be reached at (978) 630-4076.

The Massachusetts Office for the Education of Homeless Children and Youth can be accessed at: (781) 338-6294 or (781) 338-3090, or at <http://www.doe.mass.edu/mv/>.

See attached parent/student form for dispute resolution (McK-V Form A).

## **Free Meals**

To help ensure that children and youth in transition are available for learning, The U.S. Department of Agriculture has determined that all children and youth in transition are automatically eligible for free meals. On the day that the child or youth in transition enrolls in school, the enrolling school will submit the student's name to the appropriate resource for immediate processing.

## **Title I**

Children and youth in transition are automatically eligible for Title I services, regardless of what school they attend. The trauma and instability of homelessness puts such students at risk for academic regression and warrants additional support. The Director of Title I will reserve such funds that are necessary to provide services comparable to those provided to Title I students to children and youth in transition attending non-participating schools. The amount reserved shall be determined by a formula based upon per pupil Title I expenditure and developed jointly by the Director of Title I, and the homeless liaison.

The Gardner Public School's Title I Plan will be coordinated with our McKinney-Vento services.

Children and youth in transition will be assessed, reported on, and included in accountability systems, as required by state and federal law and regulations.

## **Training**

The homeless liaison or designee will conduct training and sensitivity awareness activities for the following school staff on an annual basis:

- Superintendent and/or designee
- Principals

- Assistant Principals
- Federal Program Administrators
- School Secretaries
- Counselors, Adjustment Counselors, School Psychologists
- Cafeteria workers\School Nurses
- Teachers and Other Professional Staff

The training and activities will be designed to increase staff awareness of homelessness, facilitate immediate enrollment, ensure compliance with the policy and procedures, and increase sensitivity to children and youth in transition.

# MASSACHUSETTS DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION

## *Homeless Education Advisory 2003 7A: School District Notification of Enrollment and/or Transportation Decision\**

This form is to be completed when a school/district denies the school enrollment choice and/or the transportation request of a parent, guardian, unaccompanied youth, or caseworker for a student in the care and custody of the state who is seeking enrollment in and/or transportation to school under the McKinney-Vento Homeless Education Assistance Act and is required by the Massachusetts Department of Elementary and Secondary Education McKinney-Vento Dispute Resolution Process.

Date: \_\_\_\_\_

Person Completing Form: \_\_\_\_\_ Title: \_\_\_\_\_

School: \_\_\_\_\_ District: \_\_\_\_\_

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Education Assistance Act of 2001, this written notice of denial of school enrollment and/or the transportation request is provided to:

Parent/Guardian/Unaccompanied Youth/Caseworker: \_\_\_\_\_

Student(s): \_\_\_\_\_

After reviewing the request to enroll and/or to provide transportation for the above student(s), the school enrollment and/or transportation request is denied for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**You have the right to appeal this decision by contacting the district's Homeless Education Liaison who will assist you in the appeal process.**

Liaison's Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

In addition:

- Until the Commissioner of the Massachusetts Department of Elementary and Secondary Education, or the Commissioner's designee, makes a final decision regarding your appeal, the above student will be allowed to attend the school of choice and the school district will provide transportation and other school services.
- You may provide either written or verbal reasons for your appeal of this decision. An appeal form is attached.
- You may contact the Massachusetts Department of Elementary and Secondary Education's Office for the Education of Homeless Students:  
Peter D. Cirioni @ 781-338-6294 Sarah Slautterback @ 781-338-6330
- You may seek the assistance of advocates or attorneys.
- A copy of this written notice of denial of school enrollment is being forwarded to:  
Office for the Education of Homeless Students, Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148 (Fax # 781-338-3090)

\* Amended on February 15, 2006.

**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 Elementary and Secondary Education (ESE) Dispute process; and
- contact information for the district Homeless Education Liaison [the ESE 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):

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- I know that I may contact the ESE 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 Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148 (Fax # 781-338-3090)

Signed: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

McK-V Form A

## **POLICY**

### **HOMELESS STUDENTS: ENROLLMENT RIGHTS AND SERVICES**

To the extent practical and as required by law, the district will work with homeless students and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided district services for which they are eligible, including Head Start and comparable pre-school programs, Title I, similar state programs, special education, bilingual education, vocational and technical education programs, gifted and talented programs and school nutrition programs.

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing or economic hardship;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Being abandoned in hospitals;
5. Awaiting foster care placement;
6. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings;
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
8. Migratory children living in conditions described in the previous examples.

The superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families.

To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in the attendance area in which the student is actually living, or other schools. Attendance rights by living in attendance areas, other student assignment policies, or intra- and inter-district choice options are available to homeless families on the same terms as families resident in the district.

If there is an enrollment dispute, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian shall be informed of the district's decision and their appeal rights in writing. The district's liaison will carry out dispute resolution as provided by state rule.

Unaccompanied youth will also be enrolled pending resolution of the dispute.

Once the enrollment decision is made, the school shall immediately enroll the student, pursuant to district policies. If the student does not have immediate access to immunization records, the student shall be admitted under a personal exception. Students and families should be encouraged to obtain current immunization records or

immunizations as soon as possible, and the district liaison is directed to assist. Records from the student's previous school shall be requested from the previous school pursuant to district policies. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary. Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in a different district, or a homeless student is living in another district but will attend his or her school of origin in this district, the districts will coordinate the transportation services necessary for the student, or will divide the costs equally.

The district's liaison for homeless students and their families shall coordinate with local social service agencies that provide services to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students in schools, family shelters and soup kitchens. The district's liaison will also review and recommend amendments to district policies that may act as barriers to the enrollment of homeless students.

File: JFABD

[Adopted: March 2004]

LEGAL REF.: Title I, Part C

No Child Left Behind Act, 2002