

HOMELESS CHILDREN As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), the School serving homeless children shall, according to the child's best interest:

1. Continue the child's education in the school of origin for the duration of homelessness:
  - a. If the child's family becomes homeless between academic years or during an academic year; and
  - b. For the remainder of the academic year, if the child becomes permanently housed during an academic year; or
2. Enroll the child in any school that nonhomeless students who live in the attendance area in which the child is actually living are eligible to attend.

42 U.S.C. 11432(g)(3)(A) [For definition of "homeless children," see FD]

DEFINITIONS

"UNACCOMPANIED YOUTH"

"Unaccompanied youth" includes a homeless child or youth not in the physical custody of a parent or guardian. 42 U.S.C. 11434A

"ENROLLMENT"

"Enroll" and "enrollment" include attending classes and participating fully in school activities.

"SCHOOL OF ORIGIN"

"School of origin" means the school that the child attended when permanently housed or the school in which the child was last enrolled.

"SCHOOL STABILITY"

In determining the best interest of a homeless child, the School shall:

1. Presume that keeping the child in the School is in the child's best interest as long as the child meets the admission/enrollment eligibility, except when doing so is contrary to the request of the child's parent or guardian, or (in the case of an unaccompanied youth) the youth;
2. Consider student-centered factors related to the child's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children, giving priority to the request of the child's parent or guardian or the unaccompanied youth;
3. If, after conducting the best interest determination based on consideration of the presumption in item 1 above and the student-centered factors in item 2 above, the School determines that it is not in the child's best interest to attend the School based on admission/enrollment eligibility, provide the parent, guardian, or unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal as set forth at ENROLLMENT DISPUTES below; and

4. In the case of an unaccompanied youth, ensure that the homeless liaison [see FFC] assists in placement and enrollment decisions under these provisions, gives priority to the views of such unaccompanied youth, and provides the notice to such youth of the right to appeal as set forth at ENROLLMENT DISPUTES below.

*42 U.S.C. 11432(g)(3)(B)*

CONTACT INFORMATION

The School may require the parent or guardian of a homeless child to submit contact information.

IMMEDIATE ENROLLMENT

The School selected in accordance with these provisions shall immediately enroll a homeless child, even if the child:

1. Is unable to produce records normally required for enrollment, such as previous academic record, records of immunization and other required health records, proof of residency, or other document; or
2. Has missed application or enrollment deadlines during any period of homelessness.

*42 U.S.C. 11432(g)(3)(C)*

ENROLLMENT DISPUTES

If a dispute arises over eligibility, or school selection or enrollment in the School:

1. the child shall be immediately admitted to the child's local school district, pending final resolution of the dispute, including all available appeals;
2. The parent or guardian of the child or an unaccompanied youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the School, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.
3. The parent, guardian, or unaccompanied youth shall be referred to the homeless liaison [see FFC], who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
4. In the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute.
5. *42 U.S.C. 11432(g)(3)(E)* [See FNG]

SCHOOL-PLACEMENT

As a condition of receiving funds under the McKinney-Vento Act, TEA shall submit to the U.S. Secretary of Education a plan that includes assurances that a district will adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their status as homeless. 42

*U.S.C. 11432(g)(1)(J)(i)*

The School shall make the choice regarding placement whether the child lives with the homeless parents or has been temporarily placed elsewhere.

RECORDS

ACADEMIC

The School shall immediately contact the school last attended by the child to obtain relevant academic and other records. *42 U.S.C. 11432(g)(3)(C)(ii)*

HEALTH

If the child needs to obtain immunizations or other required health records, the School shall immediately refer the child's parent or guardian or an unaccompanied youth to the district homeless liaison [see FFC] who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records. [See also FFAB] *42 U.S.C. 11432(g)(3)(C)(iii)*

MAINTENANCE

Any record ordinarily kept by the School, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluation for special services or programs, regarding each homeless child shall be maintained so that the records involved are available, in a timely fashion, when a child enters a new school or district, and in a manner consistent with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g) [see FL]. *42 U.S.C. 11432(g)(3)(D)*

PRIVACY

Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information under FERPA. [See FL] *42 U.S.C. 11432(g)(3)(G)*

COMPARABLE SERVICES

The district or the School shall provide a homeless child with services that are comparable to services offered to other students in the school in which the child is enrolled, including:

1. Transportation services;
2. Educational services for which the child meets the eligibility criteria;
3. Programs in career and technical education;
4. Programs for gifted and talented students; and
5. School nutrition programs.

*42 U.S.C. 11432(g)(4)*

COORDINATION

The School serving homeless children shall coordinate the provision of services to homeless children with:

1. Local social services agencies and other agencies or entities providing services to homeless children and their families; and
2. Transportation, transfer of school records, and other interdistrict activities with other local educational agencies.

HOUSING ASSISTANCE

If applicable, the School shall coordinate with state and local housing agencies

responsible for developing the comprehensive housing affordability strategy described in the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705), to minimize educational disruption for children who become homeless.

PURPOSE

The coordination shall be designed to:

1. Ensure that homeless children are promptly identified and have access to, and are in reasonable proximity to available education and related support services and;
2. Raise the awareness of School personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

HOMELESS CHILDREN WITH DISABILITIES

For children who are to be assisted both under the McKinney-Vento Act and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the School shall coordinate provision of services under the McKinney-Vento Act with the provision of programs for children with disabilities and other involved local educational agencies. [See EHBA series]

*42 U.S.C. 11432(g)(5)*

BARRIERS TO ENROLLMENT

The School shall review and revise any policies that may act as barriers to the enrollment of homeless children. The School shall give consideration to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. The School shall give special attention to ensuring the identification, enrollment and attendance of homeless children who are not currently attending school.

*42 U.S.C. 11432(g)(7)*

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