

2012



**HOMELESS STUDENTS  
POLICIES AND PROCEDURES**

## **EVERY CHILD HAS A RIGHT TO AN EDUCATION**

### **What is the McKinney-Vento Homeless Education Assistance Improvements Act?**

Students without homes have certain rights under the law. The McKinney-Vento Homeless Assistance Act is the name of the major Federal law that protects this group (Title X, Part C of the No Child Left Behind Act of 2001, Public Law 107-110). This law protects the rights of homeless children and youth to receive a free and appropriate public education. Many people – students, families, school teachers or administrators – may be unaware of their rights and responsibilities under this Act. This handbook is designed to educate school personnel about how they can best help these most vulnerable children succeed in Comal ISD.

Students between the age of 5 and 21 on September 1 of the school year and have not been expelled have the right to attend school, even if they:

- Don't have a permanent address
- Have a previous address in another town or state
- Don't live with a parent or legal guardian
- Live temporarily doubled-up with friends or family
- Sleep in a shelter
- Sleep in a campground, car, abandoned building, or other facility not designated for, or ordinarily used as regular accommodation for, human beings
- Don't have school records

Title I of the Elementary and Secondary Education Act, reauthorized as the No Child Left Behind Act, deals with providing educational services to disadvantaged children in order to ensure that they will be able to meet high academic standards. This includes provision of services and resources for homeless students. Title I, Part A requires a district to set aside funds to provide educational services for homeless students.

The *Texas State Plan for the Education of Homeless Children and Youth* was created in response to the requirements the federal McKinney Vento law. The State Plan is attachment A of this handbook.

## What is the Definition of “Homeless?”

Different groups and governmental organizations define “*homelessness*” in different ways. **When it comes to enrolling in schools**, we use the following definition provided by the McKinney-Vento Homeless Assistance Act of 2001:

### “The term '*homeless children and youth*' –

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes —

(i) 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; are abandoned in hospitals; or are awaiting foster care placement;

(ii) 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 (within the meaning of section 103(a)(2)(C));

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).”

Although this definition may seem air-tight, when it comes to applying it to real-world situations, it can be tricky.

It is helpful to use the following guidelines when trying to make decisions about homeless children:

- Is the housing fixed, adequate, and regular? By this we mean, is the child able to sleep in the same place every night (fixed)?
- Are the accommodations “adequate” in that they have electricity, clean running water, and sufficient heat?
- And does the child regularly reside there?

It is best to err on the side of the student when information is unclear. Every education day lost is a day that cannot be regained and can have a major impact on the student and the family.

If you have questions about whether or not a student qualifies for McKinney-Vento protections, please contact Comal ISD homeless liaison:

**Kristin Butler, LBSW**  
**Support Services**  
**1404 IH 35 North**  
**New Braunfels, TX 78130**  
**(830) 221-2178**

or contact the

**Texas Homeless Education Office (THEO)**  
**Charles A. Dana Center**  
**2901 N IH 35, Room 2.200 Austin, TX 78722**  
**[www.utdanacenter.org/theo](http://www.utdanacenter.org/theo) 1-800-446-3142**  
**The University of Texas at Austin**

## **Why is Identification Important?**

1. ***It's the law.*** The McKinney-Vento Act requires liaisons to ensure that homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies. In addition, the Individuals with Disabilities Education Act (IDEA) Requires child find activities specifically targeted to ensure that all homeless children and youth with disabilities are identified and served.
2. ***It affects the funding available to your state and district.*** McKinney-Vento stimulus funds provided through the American Recovery and Reinvestment Act (ARRA) were allocated to states based on the number of students identified as homeless in the state. Homeless Education Disaster grants were allocated directly to districts, based on the number of homeless students they identified. Districts with higher percentages of homeless students are more competitive for McKinney-Vento subgrants, and the number of homeless children served may be considered in other grant awards, including TRIO and 21st Century Community Learning Centers.
3. ***We cannot serve children and youth if we don't know who they are.*** Homeless children and youth receive rights and services not only through the McKinney-Vento Act, but also through Title I, IDEA, Child Nutrition, Head Start, federal financial aid for college, and other programs. To ensure our students receive appropriate services, we must identify them as eligible.

## How Long Can a Student be “Homeless?”

There is no limit to the amount of time a child can be considered homeless. **It is important to note that children are considered homeless until they are permanently housed.** Permanent housing connotes that the child's housing situation is no longer temporary and will be stable and secure for the foreseeable future. When determining whether or not a housing situation is indeed stable or permanent ("fixed, regular, and adequate"), enough time needs to transpire to insure that the child will not soon face uncertain or unstable housing. **The permanence of a housing situation for a child may not be determined with any degree of certainty until the child has been in the same living situation for 6-9 months or longer.**

For school purposes, in most instances, a child will be considered homeless for the duration of the school year in which he/she is identified. The status should be reviewed at the beginning of the next school year.

## What are the provisions of McKinney-Vento?

*McKinney-Vento* is a **federal law** that aims to protect homeless students and ensure them fair access to public education.

Specifically, the "*McKinney-Vento*" Act says that children who have lost their housing can:

- **Attend school, no matter where they live or how long they have lived there.**
- **Continue in the school they went to before losing their housing** or in the school in which they were enrolled last (called “school of origin”), even if they move out of the school district, if that is feasible.
- Go to the local school in the area where they are living. **The school must immediately let students enroll, attend classes, and participate fully in school activities, even if students do not have a parent or guardian with them or documents such as proof of residency, immunization records, other medical records, or school records.**
- **Receive transportation to their school of origin** provided or arranged by the school district.
- **Access all the school services they need**, including preschool (if offered in the district).
- Go to school with children who are not in temporary housing and be free from stigmatization. **Students cannot be separated from the regular school program because of their housing.**
- Have **disagreements with the school settled quickly** and **go to the school they choose while disagreements are settled.**

- **Contact the school district homeless education liaison**, whose job is to help children in homeless situations and unaccompanied youth enroll and succeed in school.

## **What are the District’s Responsibilities?**

- According to a child or youth’s best interest, Local Educational Agencies (LEAs), otherwise known as school districts, must either continue the child/youth’s education in the school of origin or enroll the child/youth in school in any public school that nonhomeless students who live in the attendance area where the child/youth is actually living are eligible to attend [Sec. 722(g)(3)(A)].
- “School of origin” is defined as the school the child or youth attended when permanently housed or the school in which the child or youth was last enrolled [Sec. 722(g)(3)(G)].
- In determining best interest, LEAs must, to the extent feasible, keep children/youth in the school of origin, unless it is against the wishes of the parent/guardian [Sec. 722(g)(3)(B)(i)].
- A homeless child or youth’s right to attend their school of origin extends for the duration of homelessness [Sec. 722(g)(3)(A)(i)].
- The school selected shall immediately enroll the child/youth in school, even if the child or youth lacks records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation [Sec. 722(g)(3)(C)(i)].
- The terms “enroll” and “enrollment” are defined to include attending classes and participating fully in school activities [Sec. 725(3)].
- The enrolling school must immediately contact the last school attended to obtain relevant academic and other records [Sec. 722(g)(3)(C)(ii)].
- If a child or youth lacks immunizations or immunization or medical records, the enrolling school must refer parent/guardian to the liaison, who shall help obtain necessary immunizations or immunization or medical records. (see Records, below) [Sec. 7222(g)(3(C))(iii)].
- The Act does not prohibit LEAs from requiring parents or guardians to submit contact information [Sec. 722(g)(3)(H)].

- If a dispute arises over school selection or enrollment, the child/youth must be immediately admitted to the school in which he/she is seeking enrollment, pending resolution of the dispute [Sec. 722(g)(3)(E)(i)].
- The parent or guardian must be provided with a written explanation of the school's decision on the dispute, including the right to appeal [Sec. 722(g)(3)(E)(ii)].
- The parent/guardian/youth must be referred to the liaison, who will carry out the state's grievance procedure as expeditiously as possible after receiving notice of the dispute [Sec. 722(g)(3)(E)(iii)].
- In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute [Sec. 722(g)(3)(E)(iv)].
- LEAs are required to adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin. If the homeless student continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange transportation. If the homeless student moves to an area served by another LEA, though continuing his or her education at the school of origin, the LEA of origin and the LEA in which the student is living must agree upon a method to apportion responsibility and costs for transportation to the school of origin. If the LEAs cannot agree upon such a method, the responsibility and costs must be shared equally [Section 722(g)(1)(J)(iii)].
- In addition, LEAs must provide services to homeless children and youth that are comparable to those received by other students in the school selected, including transportation (see Comparable Services, below) [Section 722(g)(4)].

## **What are the Responsibilities of Campus Staff?**

Although many students without homes are identified through screening paperwork administered to all students upon enrollment, campus staff are in the best position to identify and assist these fragile students.

**Office support staff** such as the receptionist, school registrar, school secretary, etc. serve as the front line in welcoming students and set the tone for the student's school experience. Remember that you are the "face and voice" of Comal ISD. Make the experience positive for students and parents.

**Teachers** meet with students daily and are in the position to observe changes in behavior, attitude, attendance, and appearance.

**Counselors** have the training to pose more personal questions about living status and general well-being and the latitude to follow up with parents, liaison, and social supports.

**Campus administrators** have the power to facilitate enrollment, transportation, and other services, train staff about issues affecting homeless students and encourage and support provision of social services by community providers.

**Our job in Comal ISD is to remove barriers to the enrollment and retention of homeless students.**

## **Putting Good Intentions to Work**

It is important to honor not only the “**letter of the law,**” but also the “**spirit of the law.**” Our job as educators is to make sure that education continues as seamlessly as possible for students who experience homelessness. There are many stresses and distracters outside the school environment that we cannot control. However, we can control the way the homeless student is welcomed into our school. First impressions are of utmost importance and first opinions are rarely reversed. Students, as well as parents, form an opinion of a school on the very first visit.

The school culture is evident in the subtle, and not so subtle, treatment of each individual student. **Roadblocks to enrollment should be removed** and **enrollment should be streamlined** with the focus being the student and getting them into a proper placement as soon as possible. Records, credits, and other documents can be obtained later. Homeless students should get the message that “**we are glad you are here**” and that the school is a safe and positive place in their otherwise uncertain and unstable world. This is one environment that can be controlled.

Please realize that students do not have to be living on the street, in a tent, or out of their car to qualify for protection and services under the McKinney-Vento Homeless Assistance Act. Children living doubled-up with other families, students living in sub-standard conditions without running water or electricity, and unaccompanied youth who “couch surf” among their friends all qualify as “homeless.”



## **What are the Responsibilities of the District Homeless Liaison?**

By law, every local education agency (school district or charter school) must appoint a staff member to act as a liaison for students in homeless situations. Often this person holds one or more other job titles, including parent or school liaison, migrant or outreach coordinator, counselor, principal, federal programs director, or assistant superintendent.

Liaisons are responsible for: Identifying students in homeless situations, enrolling these students in school, and giving them “full and equal opportunity to succeed”. This includes:

- Ensuring qualified students are also enrolled in other appropriate educational services such as Head Start or pre-school.
- Referring students to appropriate health services.
- Keeping parents and guardians informed as to their students’ options and rights.
- Publicly posting notice of educational rights.
- Mediating enrollment disputes.
- Informing about and assisting with transportation arrangements.
- Helping students obtain immunizations (where needed), and medical records.
- Informing unaccompanied youth (students without parents or guardians) about enrollment

## **What Should Districts Do to Proactively Identify Homeless Students?**

r Provide training and awareness activities on the definition and signs of homelessness for school and district staff, including administrators, bus drivers, counselors, nurses, registrars, secretaries, social workers, teachers, and truancy/attendance officers.

r Use a Student Residency Questionnaire (SRQ) as part of the standard enrollment. This form can be very effective in identifying homeless students upon enrollment. Train registrars and secretaries in how to use the SRQ with families and youth.

r Provide outreach materials and posters where there is a frequent influx of families and youth in high-risk situations, including: low-cost motels; campgrounds; laundromats; libraries; social service agencies; and youth centers.

r Ask the community for help. Contact local agencies to seek their collaboration in identifying and serving homeless children and youth, including: faith-based

organizations; food banks; homeless continuum of care; Community Resource Coordination Groups (CRCGs); housing and public health departments and programs; homeless coalitions; shelters; and soup kitchens.

r Ask students for help. Youth can share information by word of mouth, using web-based social networking, and posting outreach materials where their peers will see them.

r Reach out to unaccompanied youth by collaborating with street outreach teams, drop-in centers, and youth shelters, and by working to build trust with young people.

r Ask early childhood and preschool providers for help. Head Start programs are required to do outreach to homeless families and have been excellent partners in identification. IDEA also requires early childhood special education and early intervention providers to identify and serve homeless children.

r Avoid using the word “homeless.” Exercise sensitivity when talking with parents and youth, who often are afraid to identify themselves as homeless due to fears of stigma or negative repercussions.

## **Bibliography**

The following resources were used in developing this handbook:

Dana Center (University of Texas at Austin), Austin Texas  
THEO fact sheets

Region XIII Homeless Education Programs (HEP) Services, Austin, Texas

Texas Education Agency, Austin, Texas