

# Theodore Roosevelt School



## McKinney-Vento Homeless Program Policies

# Introduction: This Section is Informational ONLY

The McKinney-Vento Act requires all states and LEAs/schools to develop, review, and revise their policies to remove barriers to enrollment, identification, and retention in schools with children and youth experiencing homelessness. This LEA/school policy is designed to help LEAs/schools comply with this mandate. It is broad and specific and can be abbreviated or otherwise adapted to accommodate the needs of any LEA/school. This sample document can be used as guidance when reviewing an LEA/school's current policy or when drafting a new policy to ensure compliance with federal law.

Strategic partners in getting school policies revised may include:

- Education Resource Center Education Program Administrators & School Improvement Specialists
- School board members
- School administrators/Title I and other federal program directors
- School staff, including school counselors, social workers, and teachers
- Local Tribal council members
- Outside agency representatives
- Parents and students
- Homeless coalitions
- Domestic violence coalitions and agencies
- Community advocates
- Family and youth shelter and service providers
- Higher education, including schools of education, law, public policy, social work, nursing, sociology, and psychology
- The state education agency

**Note.** Due to the reauthorization of the McKinney-Vento Act, a homeless student's living situation shall be treated as a confidential student education record, shall not be deemed to be directory information, and shall be handled in a manner consistent with the Federal Education Rights and Privacy Act.

The Bureau of Indian Education (BIE) McKinney-Vento Program contains a timeline for the dispute resolution process which is a requirement to be in compliance with federal regulations. See Appendix 1.

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## Overview

Under the McKinney-Vento Homeless Assistance Act,, children and youth experiencing homelessness must have access to appropriate public education, including preschool, and be given a full opportunity to meet state and local academic achievement standards. They must be included in state- and school wide assessments and accountability systems. Theodore Roosevelt School ensures that children and youth in transition are free from discrimination, segregation, and harassment.

Homelessness exists in our community. Children and youth who have lost their housing live in a variety of places, including motels, shelters, shared residences, transitional housing programs, cars, campgrounds, substandard housing and others. Their lack of permanent housing can lead to potentially serious physical, emotional, and mental distress. Theodore Roosevelt School ensures that all children and youth receive a free appropriate public education and are given meaningful opportunities to succeed in our school. Theodore Roosevelt School also follows the requirements of the McKinney- Vento Homeless Assistance Act.

Information regarding this policy is distributed to all students upon enrollment or when students seek to withdraw from school. It is also posted publicly including other places where children, youth, and families receive services, including schools, cultural and community centers, local businesses, family and youth shelters, soup kitchens, motels, campgrounds, drop-in centers, welfare departments, health departments, and other social service agencies.

## Definition of Homeless Children and Youths

**The term ‘homeless children and youth’ means individuals who lack a fixed, regular, and adequate nighttime residence.**

It includes children and youth 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 shelters;
- Are abandoned in hospitals;
- Have a nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
- Are living in cars, parks, public spaces, abandoned buildings, substandard housing,<sup>1</sup> bus or train stations, or similar settings; or

Refugee, immigrant and migratory children and unaccompanied youth (youth not in the physical custody of a parent or guardian) are considered homeless if they meet the above

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<sup>1</sup> Substandard housing is housing that poses a serious risk to the health, safety, or physical well-being of occupants. Substandard housing may lack water, heat, electricity, or be infested with mold or vermin. It may also lack basic functional parts such as a working kitchen or indoor plumbing.

definition.

The local McKinney-Vento liaison is responsible for identifying students who meet the definition of homeless children and youths. Eligibility is determined on a case-by-case basis, using information provided on the Housing Questionnaire, self-referrals from families and unaccompanied homeless youth, as well as referrals from school staff and other community partners.

## **Enrollment**

**The terms ‘enroll’ and ‘enrollment’ are defined to mean attending classes and participating fully in school activities.**

The school selected immediately enrolls the child/youth, even if the child or youth lacks records normally required for enrollment. Enrollment may not be denied or delayed due to the lack of any document normally required for enrollment, including:

- Proof of residency;
- Transcripts/school records (the enrolling school must contact the student’s previous school to obtain school 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 schools or teachers.);
- Immunizations or immunization/health/medical/physical records (if necessary, the school must refer students to the local homeless liaison to assist with obtaining immunizations and/or immunization and other medical records. Health records may often be obtained from previous schools or state registries, and school- or community-based clinics can initiate immunizations when needed.);
- Proof of guardianship;
- Birth certificate;
- Any other document requirements, including Certificate of Indian Blood (CIB);
- Unpaid school fees;
- Lack of uniforms or clothing that conforms to dress codes; or
- Any factor related to the student’s living situation.

Homeless students who do not live with their parents or guardians may enroll themselves in school.

Upon identification of a homeless child or youth, Theodore Roosevelt School:

- 1) Provides the student with immediate access to all programs, activities, and provides services comparable to services offered to other students in the school.
- 2) Immediately contacts the school where the student’s records are located in order to obtain a copy of such records and coordinate the transmittal of records for students with disabilities pursuant to 34 CFR §300.323(g).
- 3) Immediately refers the parent or guardian of the homeless student to the local

homeless Liaison, who assists in obtaining necessary immunizations or medical records if the child or youth needs to obtain immunizations or medical records.

## Guardianship

For purposes of school placement, any parent, guardian, or person who has legal or physical custody of a homeless child or youth shall enroll that child or youth directly in a school.

## School of Origin

School of origin means:

- The school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including preschools;
- The designated receiving school at the next grade level for all feeder schools for a homeless student who completes the final grade level served by the school of origin; and
- The school in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to become homeless if the child becomes homeless after such child is eligible to apply, register, or enroll in the kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin. [42 USC §11432\(g\)\(3\)\(G\)](#)

## School Selection

Placement in a school shall, according to the child's best interest:

- Continue the child or youth's education in the school of origin for the duration of homelessness, in any case in which a family becomes homeless between academic years or during an academic year, or for the duration of the academic year if the child or youth becomes permanently housed during an academic year.
- Enroll the child or youth in any school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

Parents/guardians may request their child to attend any elementary school in the Theodore Roosevelt School and to the extent feasible Theodore Roosevelt School will try to comply with these requests.

In determining the best interests of the child or youth, schools shall presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth.

In the case of an unaccompanied youth, Theodore Roosevelt School's homeless liaison assists in placement or enrollment decisions, giving priority to the views of the unaccompanied youth. The school of origin means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled. The school of origin also includes the designated receiving school at the next level.

The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or guardian or has been temporarily placed elsewhere.

## **Comparable Services**

**Each homeless child or youth is provided services comparable to services offered to other students in the school, such as:**

- Educational services for which the child or youth meets eligibility criteria such as ELL or special education programs
- Programs for “At Risk” students
- Programs for gifted and talented students
- Before- and after-school programs
- Programs in career and technical education
- School nutrition programs
- Transportation

## **Transportation**

Transportation to the school of origin at the request of a homeless child’s parent/guardian or the homeless liaison in the cases of an unaccompanied youth, following best interest provisions (outlined in the McKinney-Vento Homeless Assistance Act under Local Education Agency Requirements).

- The homeless liaison determines with the family the best means of transportation.
- The homeless liaison arranges for transportation.
- When a student obtains permanent housing, transportation to the school of origin must be provided until the end of the academic year, if it is in the student’s best interest to remain in that school. At this point, parents/guardians can choose to enroll the child in the school in the attendance area in which they live.
- When the child, youth, or unaccompanied homeless student’s temporary residence and school of origin are different, the LEAs/schools collaborate on the method and cost of transportation. The LEAs/schools share the cost of transportation.

## **Title I, Part A**

Children and youth in transition are automatically eligible for Title I, Part A services, regardless of what school they attend. The trauma and instability of homelessness put students at sufficient risk for academic regression and warrant additional support. Theodore Roosevelt School ensures that:

- 1) Title I, Part A funds are set aside as are necessary to provide homeless students, who may have unique needs that differ from their permanently housed peers, with educationally related support services.

- 2) The Schoolwide Program Plan includes a description of how the plan is coordinated with McKinney-Vento.
- 3) The Schoolwide Program Plan describes the services provided to homeless students.
- 4) Reserved funds are used to provide education-related support services to homeless students, both in school and outside of school, and to remove barriers that prevent regular attendance.
- 5) Homeless children and youth in transition are assessed, reported on, and included in accountability systems, as required by federal law and U.S. Department of Education Regulations and Policy Guidance. [20 USC §§6312\(b\)\(6\) & 6313\(c\)\(3\)](#)

## **Access to Free Meals**

Theodore Roosevelt School provides free meals to all children identified as homeless. The U.S. Department of Agriculture has determined that all homeless children and youth are automatically eligible for free meals to ensure that homeless children and youth are ready to learn. When a homeless student enrolls at Theodore Roosevelt School, the Homeless Liaison provides a child's name to the school's food service office for immediate processing, and free school meals commence immediately. Homeless students do not have to complete a free or reduced-priced meal application. [42 USC §§1758\(b\)\(5\) &\(b\)\(12\)\(A\)](#)

## **Fee Waiver**

Student fees for the purposes of serving homeless children include but are not limited to fees for field trips, fees for art courses/projects, foods courses, technical education courses/projects, and yearly class fees. To encourage all homeless students to participate in all school activities, payments of all student fees are automatically waived if the student is identified as homeless. The waiving of fees is done directly by the school counselor and/or a building administrator.

## **Removal of Barriers**

Theodore Roosevelt School review and revise local policies that may act as barriers to the identification of homeless students and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences. [42 USC §§11432\(g\)\(1\)\(I\)&\(g\)\(7\)\(A\)](#)

## **Complaint/Dispute Resolution Process**

If a dispute arises between a parent, guardian, or unaccompanied youth over a decision on eligibility, school selection, or enrollment, the school (1) must immediately enroll the homeless student in the school in which enrollment is sought pending resolution of the dispute, including all available appeals, and (2) shall provide the parent, guardian, or unaccompanied youth with a written notice of the school's decision regarding eligibility, school selection, or enrollment (including attending classes and participating fully in school activities) and their right to appeal such decisions. Refer to Appendix 1 for the full Dispute Resolution Process.



## Privacy of Student Information

Information about a student's living situation shall be treated as a student education record and shall not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent/guardian or homeless unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA.

Questions about this policy or the protections available to McKinney-Vento students can be directed to the Local Liaison: Donna Parker-Vigil

## Duties of Local Homeless Liaison

Every school, regardless of whether it receives a McKinney-Vento subgrant, is required to designate a local homeless liaison for children and youth. The local liaison for Theodore Roosevelt School serves as one of the primary contacts between families experiencing homelessness and school staff, shelter workers, and other service providers. The local liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

The Theodore Roosevelt School local liaison ensures that:

- 1) Students experiencing homelessness are identified by school personnel and through coordination activities with other entities and agencies.
- 2) Students experiencing homelessness enroll in, and have full and equal opportunity to succeed in, school.
- 3) Students experiencing homelessness and their families receive educational services for which they are eligible, including early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq), and other preschool programs administered by the school.
- 4) Students experiencing homelessness receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.
- 5) Parents or guardians of students experiencing homelessness are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
- 6) Parents or guardians of students experiencing homelessness, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin, and are assisted in accessing transportation services.
- 7) Disputes regarding eligibility, school selection, enrollment, and/or transportation are mediated in accordance with the requirements of McKinney-Vento.
- 8) A record is maintained of all appeals of enrollment, school selection, and transportation.
- 9) Public notice of the educational rights of students experiencing homelessness is posted in locations where such students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students experiencing homelessness, and unaccompanied youth.

- 10) School personnel providing services to students experiencing homelessness receive professional development and other support.
- 11) Unaccompanied youth:
  - a) Are enrolled in school.
  - b) Have opportunities to meet the same challenging state academic standards as the state establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school.
  - c) Are informed of their status as independent students under 480 of the higher education act of 1965 (20 U.S.C. 1087vv) and that the youth may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in §483 of such Act (20 U.S.C. 1090).
- 12) School personnel, service providers, advocates working with students , parents and guardians of students experiencing homelessness, and unaccompanied youth experiencing homelessness are informed of the duties of the McKinney-Vento liaison.
- 13) Trainings and sensitivity/awareness activities are conducted for the school staff at least once each year. The trainings and activities are designed to increase staff awareness of homelessness, facilitate immediate enrollment, ensure compliance with this policy, and increase sensitivity to homeless children and youth. [\(42 USC §11432\[g\]\[6\]\[A\]-\[B\]\)](#)

## Appendices

### Appendix 1. DISPUTE RESOLUTION PROCESS

#### BACKGROUND INFORMATION

The McKinney-Vento Homeless Assistance Act guarantees rights and services for homeless children and youth and requires the Bureau of Indian Education (BIE) to implement a process for the prompt resolution of disputes regarding the educational placement of homeless children and youths. BIE-funded schools must carry out the BIE's dispute resolution within the timeframes established by this Dispute Resolution Process when parents, guardians, or unaccompanied youth and schools disagree on a decision related to the eligibility, school selection, or enrollment of homeless children and youth.

#### PURPOSE

The dispute resolution process is intended to

- A. Provide an opportunity for the parent/guardian of a homeless child or youth, or an unaccompanied youth to dispute a school's decision on eligibility, school selection, or enrollment.
- B. Represent each party's views for objective consideration so that disagreements can be brought to closure expeditiously.

#### DISPUTE RESOLUTION REQUIREMENTS

Under McKinney-Vento, the following issues may be disputed and must be documented with a written explanation whenever there is a disagreement between the school and parent, guardian, or unaccompanied youth who is seeking McKinney-Vento rights and services:

1. Eligibility – Does the child or youth requesting enrollment meet the definition of homeless children and youths or unaccompanied youth under McKinney-Vento?

Pursuant to McKinney-Vento, the term "homeless children and youths"--

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); 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; or are abandoned in hospitals;

(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 11302(a)(2)(C) of this title)<sup>1</sup>;

(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 6399 of Title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

The term unaccompanied youth is defined in the Act as “a homeless child or youth not in the physical custody of a parent or guardian” [42 U.S.C. § 11434a(6)]

2. School Selection – Is it in the child’s or youth’s best interest to continue attending the school of origin?
3. Enrollment (including attending classes and participating fully in school activities pursuant to 42 U.S.C. 11434a(1)). -
  - Is the homeless child or youth enrolled in classes immediately regardless of (1) an inability to produce records normally required for enrollment, such as previous academic records, including special education records, proof of residency, immunization or other required health documents, or other documentation, including Certificate of Indian Blood; or (2) missed application or enrollment deadlines during any period of homelessness?
  - Is there a dispute relating to the student participating fully in school activities?

## **PROCESS**

If a dispute arises between a parent, guardian, or unaccompanied youth over a decision on eligibility, school selection, or enrollment:

1. The LEA/school must immediately enroll the homeless student in the school in which enrollment is sought pending final resolution of the dispute, including all available appeals;
2. Within two (2) business days, the LEA/school shall provide the parent, guardian, or unaccompanied youth with a written notice of the school’s decision regarding eligibility, school selection, or enrollment and their right to appeal. Elements of a written determination notice:
  - a. The determination;
  - b. Reason for the determination – why the school made its determination; and
  - c. Instructions to appeal the decision, including specific contact information (e.g., phone numbers, emails, etc.) that are not too cumbersome and must be manageable by a homeless child or youth’s parent or guardian, or an unaccompanied youth.
3. The LEA/school must provide transportation to and from the school in which enrollment is sought for the duration of the dispute resolution process.

4. Within three (3) business days of receipt of the written notification of the decision made by the school, the parent, guardian, or unaccompanied youth, with assistance from the local homeless liaison, may complete a Notice of Appeal. The local homeless liaison will then immediately forward the Notice of Appeal, along with the school's written notice, to the Bureau of Indian Education, Division of Performance & Accountability.

Upon receipt of a Notice of Appeal, the BIE Division of Performance and Accountability Supplemental Education Program (DPA-SEP) Education Program Specialist shall convene a 3-person panel of at least two (2) BIE DPA-SEP employees and an Education Program Administrator. This panel shall review the entire record of the dispute, including any written statements submitted, and, within five (5) business days, a determination will be made based on the child or youth's best interest. The BIE DPA-SEP Education Program Specialist will issue the decision in writing and send the written determination to the parent, guardian, or unaccompanied youth. The determination of the panel shall be final.

## Notification of Determination for McKinney-Vento Services

Date  
Parent/Guardian/Youth  
Address

Dear \_\_\_\_\_,

In compliance with 42 U.S.C. 11432(g)(3)(B)(iii) and 42 U.S.C. 11432 (g)(3)(E) of the McKinney-Vento Act as amended by the *Every Student Succeeds Act* (Title IX, Part A, of P.L. 114-95), the following written notification addresses (denial/approval) of a request for:

\_\_\_\_\_ Eligibility – the student’s living situation (does/does not) meet the definition of homeless children or youths in the McKinney-Vento Act for educational services.

\_\_\_\_\_ School Selection –

\_\_\_\_\_ school of origin (*Name of School*) (is/is not) in the student’s best interest

\_\_\_\_\_ another school that students in the attendance area are eligible to attend (*Name of School*) (is/is not) in the student’s best interest

\_\_\_\_\_ Immediate Enrollment - including attending classes and participating fully in school activities.

This determination was based upon: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you disagree, you have the right to appeal this decision by (two days after the date of letter /*insert date*). You may submit the second page of this notice to the school's local homeless education liaison or contact the liaison by phone. Please contact my office for assistance or if you have any questions.

Sincerely,

Local Homeless Liaison  
School  
Phone/email

cc: Principal  
Education Program Administrator  
BIE State Coordinator

### **For School Use Only**

This notice is provided to:

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

Names of Student(s) for this determination: \_\_\_\_\_

### Appendix 3. NOTICE OF APPEAL

#### Notice of Appeal

Student's name: \_\_\_\_\_ Grade level \_\_\_\_\_

Form completed by: \_\_\_\_\_ Relationship: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

School Name: \_\_\_\_\_ Date: \_\_\_\_\_

Education Resource Center: \_\_\_\_\_

Education Program Administrator: \_\_\_\_\_

Homeless Liaison: \_\_\_\_\_

Did you receive a decision in writing from the school?    Yes \_\_\_    No \_\_\_

If so, when did they give you the written decision? \_\_\_\_\_

Why are you appealing the decision? (You may attach additional pages as needed.) Please explain what rights you feel the school or district has not honored:

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

***For School Use Only***

Date Notice of Appeal received: \_\_\_\_\_

***Please return this form to:  
Division of Performance and Accountability, Supplemental Education Programs  
Marie Silverhatband, Education Program Specialist  
marie.silverhatband@bie.edu***

## Appendix 4. Notification of Final Determination for McKinney-Vento Services

### DISPUTE RESOLUTION FINAL DETERMINATION

The McKinney-Vento Homeless Assistance Act acknowledges that disputes may arise between the school and parents/guardians/unaccompanied homeless youth regarding eligibility, school selection and enrollment. This letter serves as notification of the Dispute Resolution Final Determination for McKinney-Vento services.

#### LEVEL 1: LIAISON DETERMINATION

Date Complaint by parent/guardian/unaccompanied homeless youth received:

Name of School:

School Telephone Number:

Student's Name:

Area of concern (eligibility, school selection or enrollment):

Relevant Evidence:

Determination:

Date "Notification of Determination for McKinney-Vento Services" provided to parent/guardian/unaccompanied homeless youth:

#### APPEAL

Date "Notice of Appeal" by parent/guardian/unaccompanied homeless youth received:

Question at issue on appeal:

#### LEVEL 2: FINAL STATE DETERMINATION

Area of concern (eligibility, school selection or enrollment):

Relevant evidence:

Panel participants:

Final Resolution:

BIE McKinney-Vento State Coordinator Signature:

Date Final Resolution provided to parent/guardian/unaccompanied homeless youth:

*\*Entire resolution process, including appeal if applicable, must be completed within 10 business days from the date of the original complaint. The student must be allowed to enroll and attend their school of choice throughout the duration of the dispute process.*