

McKINNEY-VENTO ACT FOR HOMELESS STUDENTS

The School Board of Broward County, Florida shall ensure that all homeless children and youth, including preschool-aged children, are provided with equal access to free, appropriate educational programs, Section 721(1), PL 107-110, and Section 1003.21(1)(f), Florida Statutes, have an opportunity to meet the same challenging State of Florida academic standards, (722(g)(1)(A)), are not segregated on the basis of their status as homeless and that safeguards are established to protect homeless students from discrimination on the basis of their homelessness. (721(1)-(4), 722(g)(1)(J)(i).

STATUTORY AUTHORITY

1001.42, 1001.43, and 1003.01(12) F.S.; 1003.21 F.S,

The McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§11431 – 11435.

Title I, Part A of the Elementary and Secondary Education Act, 20 U.S.C. §§6311 – 6315.

The Individuals with Disabilities Education Act, 20 U.S.C. §§1400 *et seq.*

April 6, 2002 Policy of the Child Nutrition Division of the U.S. Department of Agriculture.

June 5, 1992 Policy of the Administration for Children and Families of the U.S. Department of Health and Human Services.

Board Adopted: 4/21/09

(1) Definitions:

- (a) The McKinney-Vento Act, (Section 725(2)), defines homeless students as individuals who lack a fixed, regular, and adequate nighttime residence and includes:
1. Students who are living in motels, hotels, FEMA trailers, trailer parks, or camping grounds due to the lack of alternative adequate accommodations.
 2. Students who are living in emergency or transitional shelters; are abandoned in hospitals; are waiting foster care placement.
 3. Students who have a primary nighttime residence that is not designated for, or ordinarily used as a regular sleeping accommodation for human beings. (McKinney-Vento Section 103(a)(2)(C)).
 4. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.
 5. Migratory students qualify as homeless if they are living in any of the circumstances described above (1-4).
- (b) "Unaccompanied youth": a student who is not in the physical custody of a parent or guardian (Section 725(6)).
- (c) "School of origin": the school that the student attended when permanently housed or the school where the child or youth was last enrolled (Section 722(g)(3)(G)).

- (d) “Enroll and enrollment”: attending school and participating fully in school activities (Section 725(1)).
- (e) “Immediate”: without delay.
- (f) “Parent”: parent means either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent (FS 1000.21(5)).
- (g) “Liaison”: the staff person designated by Broward County Public Schools as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Act (Section 722(g)(1)(J)(ii)).

The District homeless education liaison shall make a final determination of homeless status on a case-by case basis.

(2) School Selection (Section 722(g)(3)(A)-(B))

- (a) The District shall, according to the student's best interest, and by parent, guardian, or unaccompanied youth request, continue the homeless student's education in the school of origin for the duration of homelessness, or enroll the student in a District school in the attendance zone in which the homeless student is actually living on the same basis as other district students.
- (b) In determining the best interest of the student, the District shall:
 - 1. To the extent feasible, keep a homeless student in the school of origin, unless doing so is contrary to the wishes of the student's parent or the unaccompanied youth. The choice regarding placement shall be made regardless of whether the student lives with the homeless parents or has been temporarily placed elsewhere.
 - 2. Provide a written explanation, including a statement regarding the right to appeal, if the District sends a homeless student to a school other than the school of origin or a school requested by the parent or guardian.
 - 3. In the case of an unaccompanied youth, ensure that the District homeless education liaison helps in placement or enrollment decisions, considers the views of the student and provides notice of the right to appeal placement and enrollment decisions.
 - 4. Not mandate that a homeless student go through the formal reassignment process. The requirements of the Student Assignment Plan for students moving their physical residence from one attendance zone to another, to transfer to a school in the new zone of residence, shall not apply to homeless students.
 - 5. Code out-of-boundary homeless students in TERMS, documenting the Student Assignment process.

(3) Enrollment (SEC. 722(g)(3)(C)-(D))

The District will immediately enroll homeless students, new to the district, in schools, even if they do not have the documents usually required for enrollment, such as school records (includes Individual Education Plan, IEP), medical records or proof of residency. (722(g)(3)(C)-(D))

- (a) The District will ensure that homeless students are not stigmatized nor segregated on the basis of their status as homeless. A homeless student will be assigned to the District school in the attendance zone in which the student is actually living or to the student's school of origin as requested by the parent or unaccompanied youth and in accordance with the student's best interest. (722(g)(1)(J)(i))
- (b) Homeless students have a right to either remain in their school of origin or to attend school where they are temporarily residing. (722(g)(3)(A))
- (c) Homeless students who choose to remain in their school of origin have the right to remain there until the end of the school year in which they get permanent housing. (722(g)(3)(A)(i)(II))
- (d) If a homeless student arrives without records, the receiving school shall immediately contact the school last attended to obtain relevant academic and other records. (722(g)(3)(C)(ii))
- (e) The District shall immediately enroll the new student in the school assigned even if the student is unable to produce records normally required for enrollment, such as academic records, medical records, proof that the student lives in Broward County, or other documentation. (722(g)(3)(C)(i))
- (f) The District/school shall assist the parent or guardian in obtaining necessary immunizations or other records if the student needs to obtain these records. The school should refer to the school social worker or homeless liaison if additional assistance is needed. (722(g)(3)(C)(iii))

(4) Residency (SEC. 722(g)(3))

A homeless student is considered a resident if the child or youth is personally somewhere within the district.

- (a) The student shall be considered a resident when living with a parent, guardian, or person in loco parentis not solely for school purposes or for participation in extracurricular activities.

- (b) Homeless students who do not live with their parents or guardians may enroll themselves in school. (722(g)(3)(C))
- (c) The address listed on the enrollment forms becomes proof that the student lives in Broward County, Florida.

(5) Guardianship (SEC. 722(g))

- (a) For purposes of school placement, any parent, guardian or person in loco parentis who has legal or physical custody of a homeless child or youth shall enroll that child or youth directly in a District school via the Homeless Education Program, Student Assignment office or school that registers students on-site, if selected.
- (b) The District Guardian Responsibilities form must be completed within a reasonable period of time for those homeless students who are not accompanied by a parent or guardian, once a child or unaccompanied youth is enrolled in and attending a school.

(6) Disputes (722(g)(3)(E))

If a dispute arises over school selection, enrollment, or any issue covered in this policy:

- (a) The student shall be immediately admitted to the school of origin or assigned zone school as requested by the parent or unaccompanied youth, pending resolution of the dispute;
- (b) The parent of the student or unaccompanied youth shall be provided with a written explanation of the District's decision regarding school selection, including the rights of the parent, guardian or student to appeal the decision through the District's enrollment dispute procedure and the Florida Department of Education's appeal process;
- (c) The student and/or parent shall be referred to the District Homeless Education Liaison, who shall ensure the resolution process is carried out as expeditiously as possible after receiving notice of the dispute; and
- (d) In the case of an unaccompanied student, the District Homeless Education Liaison shall ensure that the student is immediately enrolled in school pending the resolution of the dispute.

(7) Transportation (SEC. 722(g)(1)(J)(iii))

The District shall ensure that, at the request of the parent, (or, in the case of an unaccompanied youth, at the request of the District Homeless Education Liaison), transportation will be provided for a homeless student to the school of origin as follows:

- (a) If the homeless student continues to live in the school district of Broward County, in which the school of origin is located, transportation will be provided.
(722(g)(1)(J)(iii)(I))

- (b) If the homeless student moves to an area served by another district, though continuing his or her education at the school of origin, the district of origin and the district in which the student resides must agree upon a method to apportion responsibility and costs for transportation to and from the school of origin. (722(g)(1)(J)(iii)(II))
- (c) If the districts cannot agree upon such a method, the responsibility and costs must be shared equally. (722(g)(1)(J)(iii)(II))

(8) Comparable Services (Section 722(g))

Homeless students shall be provided services and educational programs comparable to those offered to other students in the school selected, including the following:

- (a) Preschool programs (722(g)(1)(F)(i))
- (b) Transportation services (722(g)(1)(J)(iii); 722(g)(4)(A))
- (c) Educational Services for which the student meets the eligibility criteria, including special education and related services and programs for English language learners (722(g)(4)(B))
- (d) Vocational and technical education programs (722(g)(4)(C))
- (e) Gifted programs (722(g)(4)(D))
- (f) School nutrition programs (722(g)(1)(E), 722(g)(4)(E))
- (g) Title I (722(g)(4)(B))
- (h) Before- and After-School programs (722(g)(1)(F)(iii))

(9) Homeless Education Liaisons (722(g)(6)(B))

The Superintendent shall ensure that a District Homeless Education Liaison is appointed and ensure that his/her duties are communicated to district and school personnel and appropriate community agencies and service providers/organizations.