

## Update to Policy #91: Program for Homeless Students Policy

CWC Kansas City recognizes that homelessness alone should not be sufficient reason to separate students from the mainstream school environment. Therefore, CWC Kansas City, in accordance with state and federal law (Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the No Child Left Behind Act) and the Missouri State Plan for Homeless Children and Youth, will give special attention to ensure that homeless children **and children in foster care** in the LEA have access to free, appropriate public education.

### **Definitions**

A "homeless child" or "homeless youth" is one who:

A. lacks a fixed, regular, and adequate nighttime residence; 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;
- iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- iv. is a migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in subdivisions (i) to (iii) above.

The first category may include some individuals who have moved in with others. Consideration of each individual case, along with the permanency of the situation, will be needed in order to identify those who are homeless.

The terms "enroll" and "enrollment" include attending classes and participating fully in school activities.

The "school of origin" is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

### Enrollment and Placement:

Homeless children and youth frequently move, and maintaining a stable school environment is critical to their success in school. To ensure this stability, LEAs must make school placement determinations on the basis of the "best interest" of the homeless child or youth. Using this standard, CWC Kansas City must –

- (a) Continue the child's or youth's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; or for the remainder of the

- academic year if the child or youth becomes permanently housed during an academic year; or
- (b) Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

A "foster care child" is one who is in 24-hour substitute care, placed away from their parents or guardians, and for whom the child welfare agency has placement and care responsibility.

In determining what is a child or youth's best interest, CWC Kansas City must, to the extent feasible, keep a homeless or foster care child or youth in the school of origin, unless doing so is contrary to the wishes of the child or youth's parent or guardian. If CWC Kansas City wishes to send a homeless or foster care child or youth to a school other than the school of origin or a school requested by the parent or guardian, CWC Kansas City must provide a written explanation of its decision to the parent or guardian, together with a statement regarding the right to appeal the placement decision.

Enrollment requirements which may constitute a barrier to the education of a homeless or foster care child or youth may be waived if allowed by law. CWC Kansas City, however, require contact information.

If CWC Kansas City is unable to determine the grade level of the student because of missing or incomplete records, CWC Kansas City shall administer tests or utilize other reasonable means to determine the appropriate grade level for the child/youth.

Transportation:

Transportation must be provided, at the request of the parent or guardian (or in the case of the unaccompanied youth, the homeless or foster care coordinator) to and from the school of origin.

- If the homeless or foster care child/youth continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange for the child's or youth's transportation to or from the school of origin.
- If the homeless or foster care child/youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless or foster care child/youth is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.
- The transportation requirement applies even if the LEA does not provide transportation to non-homeless students.
- In general, LEAs may not use funds under Title I, Part A or Title V, Part A to transport homeless or foster care students to or from their school of origin.

## Services

Each homeless **or foster care** child/youth shall be provided services comparable to services offered to other students in the LEA including, but not limited to, transportation services, educational services for which the child meets the eligibility criteria, such as educational programs for disadvantaged, disabled, and gifted and talented students, vocational programs, and school meals programs; before-and-after-school care programs; and programs for students with limited English proficiency.

Homeless **or foster care** students will not be segregated in a separate school or in a separate program within a school based on the students' status as homeless **or foster care**.

In the event that it is in the best interest of the homeless **or foster care** child/youth to attend the school of origin, it shall be the responsibility of this LEA to provide for the transportation of the student. This may be achieved through the transportation services of this LEA, the school of origin, or another outside agency.

## Records

Once LEA officials have determined that an enrolling student is homeless **or foster care**, the LEA's homeless **or foster care** coordinator must assist the student in obtaining his/her education, immunization, medical, and other records. According to McKinney-Vento, the student must be enrolled in the interim.

### *Immunization:*

If the homeless **or foster care** coordinator is unable to obtain prior immunization records within thirty (30) days of enrolling and the student is still eligible for services under the homeless education program; the student must begin the immunization series and demonstrate that satisfactory progress has been accomplished within (90) days. If the homeless **or foster care** student maintains that he/she is exempted from receiving immunizations, then after thirty (30) days the student must provide documentation in accordance with the exemption requirements provided for in § 167.181.3, RSMo.

Any records ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluation for special services or programs of each homeless **or foster care** child or youth shall be maintained so that appropriate services may be given the student, so that necessary referrals can be made, and so that records may be transferred in a timely fashion when homeless **or foster care** children/youth enters a new LEA. Copies of records shall be made available upon request to students or parents in accordance with the Family Educational Rights and Privacy Act.

## **Coordinator**

The Board will designate an individual to act as the LEA's homeless coordinator to ensure compliance with federal and state law. The homeless coordinator will "ensure that homeless children and youth enroll and succeed in the schools of that agency; and homeless families, children and youth receive educational services for which they are eligible, and referrals to health care services, dental services, mental health services, and other appropriate services." The homeless coordinator will also ensure that disputes regarding the placement or education of homeless children or youth are resolved in a timely fashion.

The LEA shall inform school personnel, service providers and advocates working with homeless families of the duties of the LEA homeless coordinator.

## **Resolving Greivances**

Level I - A complaint regarding the placement or education of a homeless **or foster care** child/youth shall first be presented orally and informally to the LEA's homeless **or foster care** coordinator. If the complaint is not promptly resolved, the complainant may present a formal written complaint (grievance) to the homeless **or foster care** coordinator. The written charge must include the following information: date of filing, description of alleged grievances, the name of the person or persons involved and a recap of the action taken during the informal charge state. Within five (5) working days after receiving the complaint, the coordinator shall state a decision in writing to the complainant, with supporting evidence and reasons. In addition, the coordinator will inform the Executive Director, or his/her designee, of the formal complaint and the disposition.

Level II - Within five (5) working days after receiving the decision at Level I, the complainant may appeal the decision to the Executive Director, or his/her designee, by filing a written appeal package. This package shall consist of the complainants' grievance and the decisions rendered at Level I. The Executive Director, or his/her designee, will arrange for a personal conference with the complainant at their earliest mutual convenience. Within five (5) working days after receiving the complaint, the Executive Director, or his/her designee, or his/her designee shall state a decision in writing to the complainant, with supporting evidence and reasons.

Level III - If resolution is not reached in Level II, a similar written appeals package shall be directed through the Executive Director, or his/her designee, to the Board requesting a hearing before the Board at the next regularly scheduled or specially called meeting. The hearing before the Board may be conducted in closed session upon the request of either the Board or the complainant. Within thirty (30) working days after receiving the appeals package, the Board shall state its decision and reply in writing to the parties involved. For LEA purposes, the decision of the Board is final.

Level IV - If the complainant is dissatisfied with the action taken by the board of directors of the LEA, a written notice stating the reasons for the dissatisfaction may

be filed with the state director of special federal instructional programs. The state director will initiate an investigation, determine the facts relating to the complaint, and issue notice of his or her findings within thirty (30) days to the LEA and the complainant. If the findings support the action taken by the LEA, such action will be confirmed. If the findings support the allegations of the complainant, the LEA will be directed to take corrective action. An appeal of this decision can be made within ten (10) days to the Deputy Commissioner of Education. Within thirty (30) days after receiving an appeal, the Deputy Commissioner of Education will render a final administrative decision and notify the complainant and all other interested parties in writing.