

## **Student Services: Students Experiencing Homelessness**

**Adopted:** January 23, 2023

### **Authority**

The Board recognizes its responsibility to promptly identify students experiencing homelessness and ensure that students experiencing homelessness and youth have access to the same educational programs and services provided to other students at Pan American Academy Charter School (PAACS). The Board shall make all reasonable efforts to identify students experiencing homelessness, facilitate their enrollment, and eliminate existing barriers to their attendance and education, in compliance with federal and state laws and regulations.[1][2][3][4]

The Board, authorizes the CEO, pursuant to Charter School Law, to waive PAACS policies, procedures and administrative regulations that create barriers to the identification, enrollment, attendance, transportation, school stability and success in school for students experiencing homelessness. [3]

It is the policy of the Board that no student shall be discriminated against, segregated or stigmatized based on his/her homeless status.[5][6]

### **Definitions**

**Enroll** or **Enrollment** means attending classes and participating fully in school activities.[7]

**Students experiencing homelessness** means individuals who lack a fixed, regular and adequate nighttime residence, and includes:[7][8]

1. Children and youths who are:
  - a. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
  - b. Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
  - c. Living in emergency, transitional or domestic violence shelters, or “licensed shelters” as that term is defined in 22 Pa. Code § 11.18 (those facilities which provide temporary shelter for a specified, limited period of time);
  - d. Abandoned in hospitals; Living in public or private places not designed for or ordinarily used as a regular sleeping accommodation for human beings; **or** Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.
2. The term also includes:
  - a. Migratory children who qualify as homeless because they are living in circumstances described above (the term “migratory children” means children who are, or who parent or spouse are, migratory agricultural workers, including migratory dairy workers, or migratory fishermen, and who have moved from one school district to another in the preceding 365 days, in order to obtain or accompany such parent or spouse, in order to obtain temporary or seasonal employment in agricultural or fishing work); and
  - b. Children who are school-aged parents and living in houses for school-aged parents if they have no other available living accommodations.

**Unaccompanied youth** means a student experiencing homelessness that is not in the physical custody of a parent or guardian. This includes youth who have run away from home; been abandoned or forced out of home by a parent, guardian or other caretaker; or separated from a parent or guardian for any other reason.[7]

### **Delegation of Responsibility**

The Board designates the CEO or his/her designee to serve as the Local Education Agency (LEA) liaison for students experiencing homelessness and youths.[6]

The LEA liaison shall ensure outreach and coordination with:[6]

1. Local social service agencies and other entities that provide services to students experiencing homelessness and their families.
2. Other LEAs on issues of prompt identification, transfer of records, transportation, per pupil allocation, and special education programs to ensure students experiencing homelessness who are in need of special education and other related services are located, identified, and evaluated.
3. LEA staff responsible for the provision of services under Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act.[9][10]
4. State and local housing agencies responsible for comprehensive housing affordability strategies.
5. Law enforcement agencies, juvenile and family courts, and providers of services and programs funded under the Runaway and Homeless Youth Act or other federal, state, or local programs.

The LEA Liaison will have the following responsibilities:

1. Identify children and youth experiencing homelessness;
2. Inform parents or guardians of educational rights and related opportunities available to their children and provide them with meaningful opportunities to participate in the education of their children;
3. Disseminate public notice of educational rights of students experiencing homelessness where children and youth receive services under the Act and forms to such places as schools, family shelters, and food pantries, in a manner and form understandable to parents and guardians and unaccompanied youth;
4. Mediate disputes that might arise over school enrollment or placement;
5. Inform the parent or guardian of a child or youth experiencing homelessness, and any unaccompanied youth, of all transportation options, including to the school of origin, and assist in accessing these transportation services;
6. Assist children and youth who do not have immunizations, or immunization or medical records, to obtain necessary immunizations, or immunization or medical records;
7. Understand the Pennsylvania Department of Education guidance issued for the education of students experiencing homelessness in order to distribute information on the subject as well as to present workshops for school personnel, including office staff;
8. Collaborate with the LEA's special education program to ensure that homeless children who are in need of special education and related services are located, identified and evaluated;
9. Ensure that unaccompanied youths are enrolled in school (including during the pendency of a dispute over school enrollment or placement), and have opportunities to meet the same academic standards as the state establishes for other children and youths;

10. Work to locate appropriate school placement arrangements, based on the child's best interest, through cooperative agreements with county health agencies.

Further, the LEA Liaison will:

1. Get to know the best resources in the community to assist families with referrals for things such as shelter, counseling, food and transportation;
2. Distribute information on the subject of homeless students and arrange staff development workshops and presentations for school personnel, including office staff;
3. Provide standard forms and information about enrollment procedures and key school programs to each shelter in the communities served by PAACS;
4. Become familiar with the various program materials that are available from PDE;
5. Ensure that public notice of the educational rights of homeless students is disseminated in locations frequented by parents and guardians of such children;
6. Ensure that homeless youths who have or may have disabilities have a parent or surrogate parent to make special education or early intervention decisions (in the case of an unaccompanied homeless youth only, the following people can be temporary surrogate parents: staff in emergency shelters; transitional shelters; independent living programs; street outreach programs; and state, local educational agency or child welfare agency staff involved in the education or care of the child);
7. Ensure that PAACS reserves sufficient funds, including Title I funds, to serve homeless children.

### **Guidelines**

Students shall not be discriminated against, segregated nor stigmatized based on their status as homeless.

### **Enrollment**

To the extent feasible, and in accordance with the student's best interest and parent or guardian's wishes, a homeless student shall continue to be enrolled in his/her school of origin while s/he remains homeless or until the end of the academic year in which s/he obtains permanent housing.

If PAACS is the "school of origin" for a child eligible as a student experiencing homelessness or unaccompanied youth, PAACS shall immediately enroll the student and begin instruction, even if the student is unable to produce records normally required for enrollment pursuant to school policies. However, PAACS may require a parent/guardian to submit contact information.

The LEA Liaison may contact the previous school for oral confirmation of immunizations, and the school shall request records from the previous district, pursuant to Board policy.

If PAACS is unable to determine the student's grade level due to missing or incomplete records, PAACS shall administer tests or utilize appropriate means to determine the student's placement.

If a dispute arises over the school selection or enrollment, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parents/guardians shall be provided with a written explanation of PAACS's decision, their right to appeal, and the procedures to use for the appeal.

Appropriate school placement arrangements, based on the child's best interest, should be implemented through cooperative efforts of the respective chief school administrator of PAACS, the chartering district, and any prior district of residence.

PAACS must immediately contact the last school attended to obtain relevant academic and other records.

Homeless students are not required to prove residency regarding school enrollment.

### Services

Students experiencing homelessness shall be provided services comparable to those offered to other Charter School students including, but not limited to, transportation services, school nutrition programs, vocational programs, programs for students with limited English proficiency, and educational services for which students meet eligibility criteria, such as programs for disadvantaged students and students with disabilities.

### Transportation

PAACS shall coordinate transportation for students experiencing homelessness with the chartering school district of residence or any previous district of residence. Transportation shall be 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 PAACS is the school of origin and the student continues to live in the area served by PAACS, PAACS will provide or arrange transportation. PAACS may utilize transportation methods and options that it uses for other students, including transportation provided by the School District of Philadelphia, in fulfilling its obligations under this section.

The provision of transportation to the school of origin is based on a student's status as homeless. The provision to remain in the school of origin during the remainder of the academic year is offered to provide for school stability. Local education agencies must continue to provide transportation to and from the school of origin to formerly homeless students who have become permanently housed for the remainder of the academic year during which the child or youth becomes permanently housed.

### National School Lunch Program

Students experiencing homelessness are automatically certified as eligible for free meal benefits and can begin receiving free meal benefits upon proper documentation for meals.

### Placement

Appropriate school placement arrangements, based on the child's best interest, should be implemented through the cooperative efforts of the respective chief school administrators. Each case presents a unique set of circumstances and, therefore, requires an individualized response. In all cases, PAACS shall comply, to the extent feasible (including without limitation, whether a seat is available at PAACS), with the request made by a parent or guardian regarding school selection, shall attempt to minimize disruptions and shall maintain the highest possible degree of continuity in programs for all homeless students. The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

Homelessness alone is not a reason to separate students from the mainstream school environment. Homeless children and youths should have access to education and other services that they need to ensure that they have an opportunity to meet the same challenging state student performance standards to which all students are held.

In determining the *best interest* of the child or youth under McKinney-Vento Act, PAACS shall:

- I. Continue the child's or youth's education in the school of origin (if PAACS is the school of origin for the student) for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or
- II. Provide resources to facilitate the enrollment of the child or youth in any public school (e.g. in the School District of Philadelphia) that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

The selected school shall immediately enroll the child or 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. The McKinney-Vento Act requires that a school selected based on a homeless child's or youth's best interest must immediately enroll such child or youth even if he or she has missed application or enrollment deadlines during any period of homelessness.

The terms "enroll" and "enrollment" are defined as attending classes and participating fully in school activities. The enrolling school must immediately contact the last school attended to obtain relevant records.

In order to ensure immediate enrollment, in accordance with the Every Student Succeeds Act, the LEA liaison is required to: train school enrollment staff about the legal requirement that homeless children and youths be immediately enrolled and provided transportation; review school regulations and policies to ensure that they comply with the McKinney-Vento Act requirements; inform families and youth, in a language they can understand, of their rights; develop clear, understandable and accessible written explanations of decisions and the right to appeal; and expeditiously follow up on any special education or language assistance needs presented by a student.

#### Fiscal Responsibilities and Dispute Resolution

PAACS shall comply with directives from county health agencies, the Pennsylvania Department of Education, and the United States Department of Education regarding fiscal responsibility for students experiencing homelessness and regarding dispute resolution procedures.

To the extent PAACS is determined to be an "educating school district" or "district of origin" as those terms are used in the Basic Education Circular entitled "Education for Homeless Youth" issued by the Pennsylvania Department of Education on February 3, 2010 (reviewed 9/1/2011, 8/19/2015, and 12/10/2016), PAACS shall comply with the directives therein applying to those entities.

Disputes regarding school selection or enrollment shall be resolved utilizing the dispute resolution process identified in the Basic Education Circular entitled “Education for Homeless Youth” issued by the Pennsylvania Department of Education on February 3, 2010 (reviewed 9/1/2011, 8/19/2015, and 12/10/2016).

If a dispute arises over eligibility or enrollment:[6]

1. The parent/guardian or unaccompanied youth shall be referred to the LEA liaison, who shall assist in the dispute resolution process.
2. The LEA liaison shall ensure that the child or youth is immediately enrolled, explain the dispute resolution process to families and help them to use it. The LEA liaison shall issue a written disposition of the dispute within 20-business days after the LEA liaison is notified of the dispute. The disposition shall be provided to the parent, guardian or unaccompanied youth and shall explain the basis for the decision and advise the parent, guardian or youth of the right to appeal.
  - a. *NOTE:* The LEA liaison shall provide the parent, guardian, or unaccompanied youth of PDE’s “Notice of Procedural Safeguards” form which ensures that all LEAs (a) inform families of the basis of their decision regarding enrollment or school selection; (b) notifies families of their right to remain in their school of choice pending resolution of the dispute and (c) explains the procedures for challenging the decision of the LEA. The LEA liaison shall also provide the parent, guardian, or unaccompanied youth a copy of the Pennsylvania Department of Education’s complaint form and list of regional McKinney-Vento coordinators.
3. A parent/guardian or unaccompanied youth may appeal a LEA written decision or file a complaint with the regional McKinney-Vento coordinator or state coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program. The appeal may also be made to any court of competent jurisdiction.

#### Education Records

Information about a homeless child's or youth's living situation shall be treated as a student education record subject to the protections of the Family Educational Rights and Privacy Act (FERPA), and shall not be deemed to be directory information.[16][17]

#### Uniforms

PAACS will not enforce uniform and dress requirements that create financial hardships for students and their families experiencing homelessness. Nor shall any student in a homeless situation receive disciplinary actions for not having a uniform due to financial hardship. Every effort must be made to protect the privacy of students in this situation.

#### Training

The LEA liaison shall participate in professional development programs and other technical assistance activities offered by the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program.[6]

The LEA liaison shall arrange professional development programs for school staff, including office staff.[6]

School personnel providing services to students experiencing homelessness and youths, including school enrollment staff, shall receive professional development and support to:[6]

1. Improve identification of students experiencing homelessness and youths and unaccompanied youths;

2. Understand the rights of such children, including requirements for immediate enrollment and transportation; and
3. Heighten the awareness of, and capacity to respond to, the educational needs of such children.

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Legal

1. 24 P.S. 1306

2. 22 PA Code 11.18

3. 42 U.S.C. 11431 et seq

4. 34 CFR 299.19

5. 42 U.S.C. 11431

6. 42 U.S.C. 11432

7. 42 U.S.C. 11434a

8. 34 CFR 200.30

9. Pol. 103.1

10. Pol. 113

11. Pol. 200

12. Pol. 201

13. Pol. 203

14. Pol. 204

15. Pol. 209

16. Pol. 216

17. Pol. 113.4

18. Pol. 206

19. Pol. 146

20. Pol. 810

21. Pol. 808

22. Pol. 115

23. Pol. 918

24. Pol. 138

25. Pol. 114

22 PA Code 403.1

20 U.S.C. 1232g

20 U.S.C. 6301 et seq

34 CFR Part 99

67 Fed. Reg. 10698

PA Education for students experiencing homelessness and Youth State Plan

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