

School Success for Students Without Homes

A Toolkit for Parents and Providers

Written by
Education Law Center
www.elc-pa.org

In Partnership with
The Homeless Children's Education Fund
www.homelessfund.org

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Spring 2011

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Introduction

Children and youth who are homeless are among the most educationally at-risk of all students. National research reflects that 45% do not attend school regularly, 43% repeat a grade, 50% fail academically¹ and only one third read at grade level.² Many are at risk of dropping out of school.³ Parents and providers can change these dismal statistics. Together, with school personnel, advocates and others, they can work to ensure that students experiencing homelessness also experience success in school.

This collection of “Tools” is intended to help parents and providers ensure school success for children and youth (3-21) in Pennsylvania who are experiencing homelessness. The Toolkit provides information about important laws and explains legal rights and how to use them. The Toolkit also offers practical suggestions, resources, checklists and other tools to help ensure that children without housing have access to the full range of public education programs and services. These Tools are designed to help ensure these vulnerable children are enrolled in school, stay in school and continue on the path to school success.

We have crafted these Tools to “walk” parents and providers through the process of school enrollment, and to help them navigate the public education system to meet the educational needs of children and youth experiencing homelessness.

Tool 1: Homeless Student Bill of Rights provides a snap shot of the legal rights of students and families under the McKinney-Vento Homeless Assistance Act.

Tool 2: Choosing a School, Enrolling in School, and Solving the Transportation Puzzle provides step by step guidance to help parents enroll children in school and ensure they have the transportation they need. It also offers a series of check lists and worksheets to help assist with enrollment and decisions about school choice.

Tool 3: Resolving Disputes and Communicating with Schools provides information about dispute resolution rights and procedures. It offers specific information about how to file a Complaint when McKinney-Vento rights are being violated and offers sample procedural and complaint forms. This Tool also provides practical suggestions and strategies to help parents and providers communicate with schools when things are just not working.

¹ (Bassuk & Rubin, 1987) *Homeless children: A neglected population*. American Journal of Orthopsychiatry, 57(2), 279-286.)

² (Rescorla, Parker, & Stolley, 1991) *Ability, Achievement, and Adjustment for Homeless Children*. American Journal of Orthopsychiatry, 61(2), 210-220).

³ (Duffield, 2001) *The educational rights of homeless children: Policies and practices*. Educational Studies, 32, 323-336).

Tool 4: Education Screen for Parents and Providers: What Does a Child Need to be Successful in School? is designed to help parents and providers identify a child’s educational needs and help them get appropriate support services. It also offers guidance about confidentiality and includes a sample FERPA Authorization to Release Records form.

Tool 5: Getting Extra Help for Students: Title I & More offers information about the extra supports and services schools can provide to students experiencing homelessness using Title I funding. It offers a Provider worksheet and a parent guide to Five Simple Steps to Getting Extra Help.

Tool 6: Meeting the Special Needs of Homeless Children with Disabilities provides basic information about special education rights. It offers strategies and suggestions to help parents and providers navigate the special education system for children experiencing homelessness.

Tool 7: Helping a Child Handle School Discipline Problems provides general information about school discipline and answers questions frequently asked by parents about school discipline practices.

Tool 8: Homeless Preschoolers Bill of Rights (Children 3-5 years old) offers general information about the rights of preschool children experiencing homelessness and provides strategies and suggestions about how to ensure the youngest most vulnerable homeless children get the early learning opportunities they need.

Tool 9: Meeting the Educational Needs of Unaccompanied Youth provides specific information and guidance for unaccompanied youth, including a Bill of Rights that provides an overview of rights specific to unaccompanied youth and several checklists and form letters to support their school success.

Tool 10: What Parents and Providers Can Do to Ensure School Success offers an overview of the practical and effective strategies to help providers help parents. Our hope is that with all of these Tools, providers and parents can work together to help children be successful in school and beyond.

Throughout the Toolkit, we have provided references to resources and other information to help children and families who are homeless navigate the world of public education. There is also a Resources section at the end of the Toolkit with helpful contact information for where to go for help and additional information about the detailed resources available from state and national organizations on the web. We encourage you to use these and other web-based resources to support school success for children and youth.

With these Tools, providers will be better able to support students and families—and parents and students will be better prepared – to ask the right questions, get important information, and to be effective advocates for school success for children and youth experiencing homelessness.

i. How to Use these Tools:

We encourage parents, providers, and others who support children and families experiencing homeless, to read and use all of the Tools. Each Tool presents information about the educational challenges faced by students experiencing homelessness, a brief description of the law and policies that establish rights of students and responsibilities of schools, critical questions and answers and information about where to go to get more information or additional help. We have also attached checklists and worksheets to individual Tools. We encourage parents and providers to copy and use pages of the Toolkit and to use the worksheets and checklists in discussions with each other and with schools.

Updates

The Toolkit is available on the web pages of both the Education Law Center www.elc-pa.org and the Homeless Children’s Education Fund, www.homelessfund.org and is updated on a regular basis to reflect changes in the law and best practices.

ii. Acknowledgements

The Toolkit was written by the staff of the Education Law Center. We extend our special appreciation for the time and expertise of the chief writers, Nancy A. Hubley, Esq. and Maura McInerney, Esq. and our dedicated editors, Jennifer Lowman, Esq. and consultant, Nicole McEwen.

The Education Law Center, is a non-profit public interest law firm with a thirty-five year history of work to ensure that *all* Pennsylvania’s children have access to a quality public education, with a special focus on children who are experiencing homelessness and others most at risk for school failure.

We are also thankful for the collaboration and partnership of Homeless Children’s Education Fund who provided valuable support and guidance. The Homeless Children’s Education Fund works in Allegheny County to provide a voice for homeless children and works to ensure they are afforded equal access to the same educational opportunities as their peers.

The creation of the Toolkit was further informed by members of the Allegheny Homeless Education Network, the Hope for Homeless Preschoolers Team, shelter providers, school and other professionals, students, parents and family members all of whom provided valuable feedback throughout the creation of the Toolkit.

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Note: These Tools do not constitute legal advice about any particular child or circumstance, but are intended to provide timely, accurate information about the law and policies that guide the public education of children and youth experiencing

iii. The Law at a Glance

McKinney-Vento Homeless Assistance Act – “McKinney-Vento”

First passed in 1987, the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) is the main federal law addressing the education of children and youth in homeless situations. The cornerstone of the law is maintaining “school stability” to ensure school success for homeless students. School stability refers to the concept of permitting a child to remain in the same school even after the child becomes homeless and is no longer living in the same school district. The Act’s focus on school stability stems from research demonstrating that changing schools frequently undermines school success and is a significant risk factor for dropping out. The Act also ensures the “immediate enrollment” of students who are homeless.

The McKinney-Vento Act also created the Education for Homeless Children and Youth Program, which provides federal funds to all states to ensure that children and youth experiencing homelessness receive a free, appropriate public education. The law works to facilitate academic success for students without housing by eliminating barriers that can delay or prevent a student from accessing public education services. The law gives children three specific legal rights –

- (1) **The right to remain in their current school or the school they attended when they first became homeless**, with full access to all appropriate educational programs and opportunities;
- (2) **The right to transportation to and from school**; and
- (3) **The right to immediate enrollment in school even without** prior school records, proof of residency, immunizations or other personal records.

The McKinney-Vento Act provides rights and protections for “homeless children and youth,” broadly defined as children and youth “who lack a fixed, regular and adequate night time residence.” (See **Tool 1** for a more detailed discussion of this definition.) This definition includes children and youth who are sharing the housing of other people because of loss of housing, economic hardship or similar reasons; are living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals or are awaiting foster care placement.

Individuals with Disabilities Education Act (IDEA)

The IDEA is the most significant federal law governing the education of children with disabilities, from birth through age 21. It requires states and all public schools, including charter schools, to provide a free appropriate public education (FAPE) to all children with disabilities. It requires that each eligible student have an Individualized Education Program (IEP) and establishes important procedural protections that govern how children are evaluated, how their programs are determined, and how placement decisions are made.

Federal Educational Rights and Privacy Act (FERPA)

Federal Educational Rights and Privacy Act (FERPA) is a federal law that protects the confidentiality of student education records. Education records are broadly defined to include all materials maintained by an educational agency or institution, containing personally identifiable information directly related to a student. Generally, FERPA mandates that these records cannot be released unless the parent or an eligible student – that is a student age 18 or older -- consents in writing to disclosure of the records or such disclosure is authorized pursuant to one of several specific exceptions, such as a court order authorizing the disclosure of education records to a third party, such as a Children and Youth agency or a provider.

Title 1 of the Elementary and Secondary School Act

Title I of the Elementary and Secondary Education Act (ESEA) provides financial resources to school districts and schools to help children who are most at risk of school failure. Title I funds are given to schools with high numbers of poor children to provide additional academic support and learning opportunities to help low-achieving children master core academic subjects. Title I funds support extra instruction in reading and math, as well as special preschool, after-school, and summer programs to extend and reinforce the regular school curriculum. Under this law, **all children who are homeless are automatically eligible for Title I services** regardless of where they go to school and without regard to their current academic performance. Non-Title I schools must reserve funds for homeless students for comparable Title I services. In addition, Title I funds may be used to address specific needs of children who are homeless such as providing school supplies, counseling services, etc.

Pennsylvania School Code

Many of the rules, policies, and procedures referenced throughout in this Toolkit (such as school discipline, enrollment requirements, the right of students to attend school until age 21) emanate from Pennsylvania's School Code and its implementing regulations. This is a comprehensive state education law governing all aspects of the school experience in Pennsylvania from school governance to academic curriculum requirements to teacher qualifications and student rights.

Pennsylvania's education regulations can be found at <http://www.pacode.com/secure/data/022/022toc.html>.

Pennsylvania's Basic Education Circular Education for Homeless Youth

The Pennsylvania Department of Education issued a Basic Education Circular ("BEC") setting forth the state's policies and procedures regarding the education of homeless children and youth. This BEC explains the categories of children who are considered homeless, their rights to enrollment, school stability and to the supports and services they need to be successful in school. It also establishes policies and procedures for the state and local educational agencies (school districts, charter schools and intermediate units) for the resolution of disputes between parents (and students) and schools. We have attached a copy of the current BEC in our Resources section for easy reference. However, any recent changes to the BEC will be reflected in the online copy available at www.pde.pa.us.

TOOL 1

Homeless Student Bill of Rights

An Overview

“What would it mean to spend your childhood drifting from one strange bed to another, waking in the morning to try to figure out where you had landed, without the things that confer security and happiness: a familiar picture on the wall, a certain slant of light through a curtained window? A familiar teacher? A trusted friend? The chance to succeed.

Adapted from Anna Quindlen

Homelessness is the lack of permanent housing resulting from financial hardship, often extreme poverty or unstable living arrangements. Families and children find themselves homeless for many different reasons – loss of employment, fleeing domestic violence, child abuse or neglect, natural or other disasters. Homelessness can have a devastating impact on a child’s education and a child’s chance for success in school. Children who experience homelessness represent the full range of academic talents and abilities; however, frequent moves and multiple interruptions in their education can place a child’s academic success – and their future – at great risk.

The McKinney-Vento Homeless Assistance Act, passed in 1987, is a comprehensive federal law that seeks to address the educational needs of children who are homeless and provides funding to ensure that these children and youth have access to the full range of public education programs and services. It strives to ensure school success by eliminating the barriers that can prevent or delay a child’s continuing access to school and provides supports to promote academic achievement.

Who Are Homeless Children and Youth?

The law defines “homeless children and youth” as “individuals who lack a fixed, regular and adequate night time residence.” This includes children whose families are “doubled up” and sharing housing because of economic hardship, and children living in motels, hotels, trailer parks, and camping grounds because they lack adequate accommodations. Children living in emergency or transitional shelters or who are abandoned in hospitals or are awaiting foster care placement are also considered “homeless.”

McKinney-Vento Act

Children who are experiencing homelessness have the following rights:

1. **The right to stay in the same school even if the family moves if this is in the child's "best interest"**—Parents can choose to have their child (a) stay in their current school or (b) attend the school the child attended when they first became homeless when feasible and in the child's best interest.
2. **The right to immediately enroll in the local school where the child is actually living**—*even* without the required enrollment documents such as proof of residency, immunizations or birth certificates and even if there is a current dispute about whether a student is "homeless." *Note: If the family is living in more than one place, this means the child can enroll where the family has a substantial connection, such as where the family spends the greatest percentage of its time or conducts its activities of daily living, such as a day shelter.*
3. **The right to free and appropriate transportation to and from their school of choice**—even if the school does not otherwise provide transportation to other students to the child's school of choice. The school the child attends is responsible for arranging the transportation, but can share the cost with the district where the child lives, equally or by agreement.
4. **The right to dispute resolution and immediate enrollment pending final resolution of any dispute.** Parents have the right to prompt resolution of any disputes. They also have the right to a written explanation of a school's decision to deny enrollment with notice of the right to appeal and an explanation of the process. Schools must refer parents to the local homeless education liaison, sometimes called "McKinney-Vento Liaison" who is charged with helping the parent resolve disputes and must advise parents of the right to seek help from the Regional or Site Coordinator or to file a formal complaint State Homeless Children's Initiative State Coordinator, or in court.
5. **The right to special education services or other reasonable accommodations for a child with a disability.** Children with disabilities, including children experiencing homelessness have the right to be identified, evaluated, and provided with appropriate special education services or reasonable accommodations if needed – even if they change school districts. Young children from birth through school-age who may have developmental delays and other disabilities also have the right to be identified and evaluated and to access early intervention services to meet their developmental needs.

6. **The right to additional supports and services funded by Title I** – including support for extra instruction in reading and math, after-school and summer programs, school supplies, uniforms and other items needed to extend and reinforce the regular school curriculum.
7. **The right to equal opportunities to participate in the full range of public education programs and services**—including, among other things, free breakfast and lunch programs, extra-curricular activities, and tutoring. Children experiencing homelessness who are English language learners are entitled to access the full range of English as a Second language programs and support services.
8. **The right to equal access to enroll, attend, and succeed in publicly funded preschool and early intervention programs**—including Head Start, Early Head Start, Pre-K Counts, kindergarten programs, and Child Care Works subsidies. The Head Start Improvement Act gives young children experiencing homelessness “priority” to enroll in Head Start programs.
9. **The right to information, resources, and support**—from the school district’s (or charter school’s) local homeless education liaison and Regional or Site Coordinator and help to understand their rights and access needed services.
10. **The right not to be discriminated against or segregated by a school because you do not have a permanent address**—and to be treated in the same way as other “resident” children including the opportunity to meet the same high academic standards as other students.

For more information or help with educational issues of children and youth experiencing homelessness, contact:

Education Law Center www.elc-pa.org or 412-258-2120

Homeless Children’s Education Fund www.homelessfund.org or 412-562-0154

Allegheny Homeless Children’s Initiative www.aiu3.net or 412-394-5705

Pennsylvania Homeless Children’s Initiative <http://homeless.center-school.org/> or 717-783-6468

National Association for the Education of Homeless Children and Youth, www.naehcy.org 512-475-8765

TOOL 2

Choosing a School, Enrolling in School, and Solving the Transportation Puzzle

Staying in the same school is often the most important thing you can do to support school success.

The Challenge: Research studies show that a child can lose between 4-6 months of academic progress with every school move. A child who stays in the same school is fifty percent more likely to graduate from high school, more likely to do well on standardized tests, have higher grades, and less likely to fall behind in school or repeat a grade. For these reasons, school stability or staying in the same school is the cornerstone of the McKinney-Vento Act.

The Law: Under the McKinney-Vento Act, a child has the right to remain in the same school when she becomes homeless. This school or “school of origin” can be either (1) the school the child currently attends or (2) the school she attended before ever becoming homeless. The law also provides that staying in the same school is favored unless this is not feasible or a parent decides this is not in the child’s best interest.

When a child stays in the same school, she is entitled to transportation back to the prior school. If the child enrolls in a new school where the child is now living (or has a substantial connection because he stays overnight in different school districts), the child is entitled to immediate enrollment in the new school district.

Making the decision about where a child should attend school can be difficult. This Tool is designed to help parents make that important decision and explains a child’s rights when the child stays in the same school or enrolls in a new school. It also provides guidance regarding transportation issues.

Attached here as **Tool 2(a)** are worksheets designed to assist parents in making a school selection decision and lists questions to ask school administrators when a child is staying in the same school or changing schools.

Tool 2(b), is a detailed step-by-step guide on “*How to Enroll a Child Who is Homeless: A Guide for Parents.*” If you have problems enrolling in school, getting transportation, or receiving school services, call your School District’s homeless education liaison, then the Regional (or Site) Coordinator and then the Pennsylvania Homeless Education State Coordinator.

For more information or for help with enrollment issues contact:

Allegheny Homeless Children’s Initiative www.aiu3.net or 412-394-5705

Pennsylvania Homeless Children’s Initiative <http://homeless.center-school.org/> or 717-783-6468

Education Law Center www.elc-pa.org or 412-258-2120

Step One: Making the decision about whether to stay in the same school

Here are some questions to think about to determine if a child should stay in the same school or seek to enroll in a new school. Remember that staying in the same school is favored unless this is not in the child's best interest.

1. How many schools has the child attended over the past few years? How many schools has the child attended this year? How have the school transfers affected the child emotionally, academically and physically?
2. How is the child doing in the current school? To what extent are the programs and activities at the potential new school comparable to or better than those at the current school?
3. Which school does the student prefer and why?
4. How would the length of the commute to old school impact the child?

For additional questions to consider, see **Tool 2(a)**, *Parent Worksheet: Questions to Consider When Making a School Selection Decision*

Step Two: If your child stays in the same school, your child has the right to:

- Stay in the same program without interruption, including continuing to receive the same special education services (if applicable). For more information about special education, see **Tool 6: Meeting the Special Needs of Homeless Children with Disabilities**
- Receive the support and help of a homeless education liaison .
- Receive transportation back to the child's old school, if necessary.
- Be treated in the same manner as resident children, including having equal access to the full range of programs and services.
- Get extra help through Title I to be successful in school. This may include receiving extra help in math or reading, obtaining school supplies, school uniforms, etc. For more information about Title I, see **Tool 5: Getting Extra Help for Students: Title I & More.**

Step Three: Solving the Transportation Puzzle

Under the McKinney-Vento Act, a child who is homeless has a right to transportation from the location where the child now lives back to the child's prior school (or "school of origin"). This right to transportation applies immediately. However, it may take a few days to arrange transportation for the child.

The right to transportation applies even if there is a dispute about whether the child is homeless and entitled to this protection. In those cases, the right to transportation continues until any dispute is resolved. To learn more about the dispute resolution process, turn to **Tool 3: Resolving Disputes and Communicating with Schools**.

How is transportation back to the child's same school arranged and who pays for it?

If the school agrees that your child should stay in the same school, or if you have filed an appeal and the child is staying during the appeal process, the child can get transportation to the prior school. The school your child attends arranges transportation. However, who pays for the transportation is determined by agreement between the sending and receiving school districts. If the school districts cannot agree on who will pay, the old and new school districts must split the cost equally.

Step Four: If your child changes schools, your child has the right to:

- Immediate enrollment in the new school even without the usual enrollment documents (*i.e.*, proof of age, immunizations, proof of residency, and an Act 26 or Parent Registration Form relating to school discipline). These documents will be provided after your child is enrolled in school.
- Continue to receive special education or English Language Learner services if applicable. For more information about special education, see **Tool 6: Meeting the Special Needs of Homeless Students with Disabilities**.
- Receive the support and help of a homeless education liaison, also called a "McKinney-Vento Liaison."
- Be treated in the same manner as resident children, including having equal access to the full range of programs and services and transportation to school.
- Get extra help through Title I to be successful in school. This may include extra help in math or reading, and funding for school supplies, school uniforms, etc. For more information on Title I, see **Tool 5: Getting Extra Help for Students: Title I and More**.

Frequently Asked Questions

What happens if my child sleeps in several different school districts because we move around?

If your family is living in more than one school district, the child can enroll in the district where the family has a "substantial connection," such as where the family spends the greatest percentage of its time or conducts its activities of daily living, such as a day shelter.

What do I do if the school disagrees with me about my child's placement or things are just not working?

See **Tool 3**. Tool 3 provides a detailed description of the rights and responsibilities of parents and providers for dispute resolution, including sample Complaint forms and a step by step guidance about how to go about resolving educational disputes regarding students experiencing homelessness.

Can my child continue to stay in the same school for the rest of the school year even if we find permanent housing?

Yes! The McKinney-Vento Act specifically provides that school districts must continue to allow a child to stay in the same school for the remainder of the school year even if the child becomes permanently housed and lives in the same or a different school district.

Will my school provide transportation for the rest of the school year if my child is no longer homeless?

The Act does not specifically require the school to continue to provide transportation. However, the U.S. Department of Education has expressly directed States to instruct schools to continue to provide transportation to formerly homeless students and suggests using Title I and other funds. Lack of transportation may be a basis for telling a school it has not met its obligation to provide school stability.

TOOL 2(a)

Parent Worksheet: Questions to Consider When Making a School Selection Decision

Decisions regarding school selection should be made on a case-by-case basis, with special attention to the circumstances of each individual student.

Planning Issues

1. Does your family plan to stay in the current school district where your child goes to school?
-

Impact of School Stability

2. How many schools has your child attended over the past few years?
-
3. How many schools has your child attended this year? How much time is left in the school year?
-
4. How have school transitions impacted your child emotionally, academically, and physically?
-
5. How anxious is your child about changing schools?
-

Evaluating the Current School

6. How deep are your child's ties to his or her current school? Is there a teacher or staff member with whom your child is close at the current school?
-

7. How is your child doing academically and socially in school?

8. To what extent are the programs and activities at the current school better or worse than those available at the new school? Consider your child's special education, English Language Learner needs, etc.

9. Does the old school have programs and activities (including sports or extra-curricular activities) that address the unique needs or interests of your child that the new school does not have?

10. How would changing schools affect your child's ability to earn full academic credit, participate in sports or other extra-curricular activities, proceed to the next grade, or graduate on time?

11. Which school does the student prefer? Why or why not?

12. Has your child had a history of truancy or bullying at the current school?

Other Important Factors to Consider

13. How would the length of the commute to the current school impact your child?

14. What schools do the child's siblings attend?

15. Are there any safety issues to consider?

TOOL 2(a) – Continued

Parent Worksheet:

Questions to Ask if Your Child Changes Schools

If your child changes schools, here are some questions you should ask:

1. Who can help us transfer records quickly so that my child is in the appropriate classroom and can continue to make progress in school?

2. Can my child take a tour of the school before she starts attending school?

3. How can my child receive free meals at school?

4. How can my child receive free school supplies, uniforms, etc., if needed?

5. Who can help if my child needs special education services? How quickly can these services be set up? What should I do if I think my child should be evaluated for special education or gifted services? Can you give me the forms I must complete?

6. What academic help is available for my child, such as Title I programs or after-school tutoring? Who can I contact?

7. What programs can help develop my child's talents and address his/her unique needs?

8. Is there a counselor or social worker my child can speak with to help him make a smooth transition to the new school?

9. Are there sports, music, or other activities available for my child? At his last school, my child was involved in these activities: (list). This is important to keep my child connected to school.

10. How can my child go on class field trips or participate in other school activities if I can't pay for them?

11. Is there a preschool program for my younger children?

TOOL 2(b)

How to Enroll a Child Who is Homeless: A Guide for Parents

By following these simple steps, children who are homeless can enroll in school quickly.

Step One: Is the Child Homeless?

A child is “homeless” if any one of the following is true:

- The child does not have a regular place to stay at night.
- The child lives with a friend or relative because the family lost its home or can’t afford housing.
- The child lives in a motel, hotel, trailer park, camping grounds or a space not usually used as a home (such as a car or abandoned building).
- The child has run away, been kicked out, or has no regular place to stay and receives no support from her family.
- The child is in the child welfare system and is in an emergency or temporary placement not a long-term foster care placement.

Step Two: How to Enroll

Go to the central registration office in the school district where the child is living. Tell them that you want to enroll a child who is homeless. If the school asks for documents that you do not have, tell them that the child is homeless and you do not have to provide that information until AFTER the child starts school.

A child who is homeless has a right to:

- Stay in the same school, with necessary transportation, even if the child has moved to another school district or school attendance area unless it is in the child’s best interest to change schools.
- Get help from a person called a school district “liaison” to enroll in school, get records, and explain the child’s special legal rights.
- If you tell the school district that the child is homeless, the school district should enroll the child immediately — even if the school district does not agree with you.

Step Three: Solving the Transportation Puzzle

Your child has a right to transportation from the place where you are living now to your child's old school (or "school of origin"). This right to transportation applies immediately. However, it may take a few days to arrange transportation. Talk to your homeless education liaison as soon as possible about arranging transportation. Also call the transportation office at your child's current school to confirm how transportation will be provided and when it will be arranged.

NOTE: The right to transportation applies even if there is a dispute about whether the child is homeless and entitled to this protection. In those cases, the right to transportation continues until any dispute is resolved by the State Coordinator or by a court. To learn more about dispute resolution turn to **Tool 3: Resolving Disputes and Communicating with Schools.**

TOOL 3

Resolving Disputes and Communicating with Schools

When Parents and Schools Disagree...

Parent: *“The school is telling me my child cannot enroll because we do not have an address in the District. We are –doubled up – living with my sister. Are they right?”*

Parent: *“The school tells me they cannot transport my daughter back to her high school. We are homeless and it is her ‘school of origin.’ Don’t they have to get her there?”*

Parent: *“The school says we are not ‘really’ homeless. My children are out of school and I am concerned they will fall behind. What can I do?”*

These are some examples of disagreements that may arise between schools and parents of students experiencing homelessness. Some disagreements are easy to resolve. Others may take time to sort out, with the help of the school’s education homeless liaison, the Regional or State Homeless Coordinator, or in rare cases, a court.

This Tool gives parents and providers information about the right to dispute resolution under the McKinney-Vento Act. **Tool 3(a)** explains how to file a formal complaint and includes a copy of the Procedural Safeguards Notice that schools need to give parents if the school refuses to enroll a child. **Tool 3(b)** provides an Enrollment Complaint Form and **Tool 3(c)** offers practical suggestions about how to communicate with school personnel to promote collaboration and ensure school success for children and youth experiencing homelessness.

NOTE: If a dispute arises over school selection or enrollment, the child or youth involved must be immediately admitted to the school in which the family or youth is seeking to enroll, pending final outcome of the dispute. The parent and youth should also be given a copy of the “Notice of Procedural Safeguards” form (attached as Tool 3(a)) that explains (1) the basis of the school’s decision, (2) the right to immediate enrollment and (3) the procedures for challenging the decision.

The Challenge: Parents are often unaware of their right to disagree with decisions schools make regarding enrollment, school placements, and other school matters. As a result, children may remain out of school, or lack access to important educational programs and services, while a dispute is being resolved. This interruption in education can have a severe impact on the child or youth’s academic progress and overall achievement.

The Law: The McKinney-Vento Act seeks to resolve disputes quickly and efficiently with minimal disruption in the child’s or youth’s education. The law includes key rights to help families and unaccompanied youth experiencing homelessness resolve disputes. These rights include:

- **The right to a system of dispute resolution.** Each state and local educational agency (school district, charter school, or other local educational agency such as an intermediate unit or preschool provider) must have a prompt and efficient process for resolving enrollment and placement disputes for children and youth experiencing homelessness.
- **The right to enrollment and written explanation.** If a school disputes that a homeless child or youth has the right to attend school in the district or remain in their current school, the local educational agency must provide the parent with a **written explanation** of its decision and the family’s right to appeal.
- **The right to remain in the school of origin or right to immediate enrollment.** While the dispute is being resolved, the child or youth must be immediately admitted to the requested school (even if the child or youth lacks all of the records usually required for enrollment) or allowed to remain at his or her school of origin.
- **The right to access and “full participation” in all school programs and services.** Once a child or youth is enrolled in school, even while a dispute is pending, the child or youth has the right to access the full range of public education programs and services.
- **Referral to the Homeless Education Liaison.** When the school disagrees with an enrollment or placement request, it must refer the parent or guardian or unaccompanied youth to the local homeless education liaison for assistance in using the dispute resolution procedures.

Under the McKinney-Vento Act, a student has the right to attend *either* the school of origin, if it is in their best interest, or the local attendance area school where they are living.

School of Origin is defined as the school the student attended when permanently housed **OR** the school in which the student was last enrolled.

Local Attendance area school is defined as any public school that students who live in the attendance area in which the student is actually living are eligible to attend.

*For more detailed information about the rights of students who live in multiple places see the Basic Education Circular – **Education of Homeless Youth** in the *Law at a Glance* section at the beginning of this Toolkit.*

- **Unaccompanied Youth.** Local homeless education liaisons are responsible for ensuring that unaccompanied youth are also enrolled immediately and are afforded all the rights and protections of the dispute resolution process. Liaisons are specifically obligated to assist youth with this process.
- **The right to transportation for the child or youth until disputes regarding placement are resolved.** The school must provide transportation for the child until the complaint is fully resolved through the dispute resolution process. The old and new school districts can decide how to pay for the transportation or must split the cost fifty-fifty. To learn more about resolving transportation disagreements see **Tool 2: Choosing a School, Enrolling in School, and Solving the Transportation Puzzle.**

During a dispute homeless students have the same legal rights as all other students, including rights related to school discipline and special education. To learn more about school discipline, see **Tool 7: School Discipline**; for special education disputes see **Tool 6: Meeting the Needs of Homeless Students with Disabilities.**

For help and more information about resolving disputes go to:

Regional Homeless Coordinator at the Allegheny Intermediate
www.aiu3.net or 412-394-5705

State Homeless Coordinator
 PA Department of Education
www.education.state.pa.us or 717-783-6468

Office of Dispute Resolution (for special education disputes)
www.odr.pattan.net or 717-657-5983

Education Law Center
www.elc-pa.org or 412-258-2120

TOOL 3(a)

How to File a Complaint

When Things Just Aren't Working

If you have tried talking with school personnel and have not resolved your problem, here is a quick step by step guide to enforce your rights.

Step One: Contact the school's principal or homeless education liaison also known as a "McKinney-Vento liaison"

Talk to the principal or liaison about your concerns. Every school district has a designated homeless liaison. Explain the situation and propose a solution. Give them any paperwork that helps explain the problem and your living situation. Keep these and other documents in one place and use them to help the school understand your problem. Shelter providers can provide a letter to a school on your behalf.

If your concern is about enrollment, ask that your child be immediately enrolled in the school of your choice—the school where you are currently living (or where you have significant contacts) or the "school of origin" (*i.e.* the school the child last attended or where the child went before.) If your request is about transportation or access to other programs or services, ask that they be provided immediately.

The school district is required by law to provide its decision in writing. It should use a form called the "**Notification of Procedural Safeguards**" which is attached here as **Tool 3(b)**. In this Notice the school informs you of three things: (1) the reason for the decision, (2) the right of the student to immediate enrollment, and (3) the procedures for appealing the school's decision.

Ask for an **Enrollment Complaint form**—copied here as **Tool 3(c)**. You can use this or write your own statement to complain about enrollment or transportation issues. Ask the school to give you a decision quickly (within a day or two) and to put their decision in writing.

NOTE: While these steps are undertaken, the child or youth is entitled to immediate or continued enrollment in the parents school of choice with transportation provided until the complaint is completely resolved.

If the child is still not enrolled in school...

Step Two: Contact the Regional McKinney-Vento Coordinator

Put a statement about your problem in writing and share it with the Regional Coordinator or you can call her. You can also give her a copy of the completed Enrollment Complaint form and any supporting documentation. Your school's homeless education liaison can help you contact your Regional Coordinator.

Ask the Regional Coordinator for help to get the situation resolved. The Coordinator will help you understand the law and the school's responsibilities. She may help you contact the school and propose solutions. Very often, problems can be worked out at this level with several phone calls.

In Allegheny County, this person works at the Allegheny Intermediate Unit and can be reached at 412-394-5705.

If your problem is still not resolved...

Step Three: File a written complaint with the State Homeless Education at the Pennsylvania Department of Education.

If the problem was not promptly resolved by the Regional Coordinator, she must notify the State Coordinator. However, the State Coordinator will not get involved unless you file a **written complaint**. **The Complaint should be sent to the State Coordinator with a copy to the Regional Coordinator.** The Regional Coordinator can help you by faxing the Complaint to the State Coordinator or you can file a written complaint directly with the State Coordinator yourself.

Your complaint will then be investigated by the State Coordinator. The State Coordinator may contact the district, the family, the provider, and/or the unaccompanied homeless youth as part of their investigation process. You can remind those involved in the process that only information necessary to resolve the dispute should be shared with the school and any request to keep personal information confidential should be honored. Medical information or information concerning abuse or neglect of a child or a victim of domestic violence is specifically protected as confidential and cannot be disclosed without permission under federal and state law.

The State Coordinator must issue a written decision within **20 business days** after the complaint has been assigned to him or her.

Mediation. At any time during the dispute resolution process, a parent can agree to mediation. This means the State Coordinator can assist in mediating the dispute directly or it can refer it to the Dispute Resolution Program operated by the Commonwealth Office of General Counsel. This is a voluntary informal process. A trained mediator helps the parties try to reach an agreement. Participation in mediation is not a waiver of the right to file a formal complaint in Court. Nor is your participation in mediation required before a parent can file a formal complaint.

If you are interested in mediating a dispute, you can contact the State Dispute Resolution Program at 717-787-9338.

If the family or youth is not satisfied with the results of the Complaint OR the investigation takes longer than 20 business days...

Step Four: Contact an advocacy or legal services office for help and to discuss filing a complaint in Court. In Allegheny County, you can call the Education Law Center at 412-258-2120.

For more information about resolving disputes under the McKinney-Vento Act, you can contact:

Allegheny Homeless Children's Initiative www.aiu3.net or 412-394-5706

Pennsylvania Homeless Children's Initiative <http://homeless.center-school.org/> or 717-783-6468

National Association for the Education of Homeless Children and Youth www.naehcy.org or 202-364-7392

National Law Center on Homelessness & Poverty, www.nlchp.org

TOOL 3(b)

Procedural Safeguards Notice of Denial of Enrollment

To be completed by a school whenever an enrollment or school selection request of a student experiencing homelessness is denied:

Date: _____

Name and Title of School Employee Completing Form:

Requested School: _____

School District: _____

(This may be the school the child was attending when s/he became homeless, the school the child is currently attending, or the school where the child is now living)

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Assistance Act, the following **written notification** is provided to:

Parent or Guardian or Youth: _____

Regarding student(s)/DOB(s): _____

After receiving your request for enrollment or school selection for the student(s) listed above, **we hereby provide notice that the request is denied. The reason for this determination is the following:**

The school district hereby notifies the parent or guardian of the student or unaccompanied youth of the following rights:

- The student has the right to **enroll immediately** in the requested/preferred school pending full resolution of the dispute.

- If the student wants to remain in the same school s/he was attending or the school s/he attended when s/he first became homeless, the student is **entitled to transportation** to the prior school pending full resolution of the dispute if the placement (including any transportation involved) is feasible, reasonable and in the best interest of the student.
- **You have the right to appeal this decision.** You may do so by completing the second page of this notice (Complaint Form) or by contacting Pennsylvania's McKinney-Vento Homeless State Coordinator by phone at 717-783-6468.
 - The family/unaccompanied youth can challenge the school district's decision by providing additional written material or by discussing the matter with the school, school district personnel, McKinney-Vento homeless liaison or local or regional McKinney-Vento Coordinator.
 - The McKinney-Vento School District Liaison can assist the family or youth in appealing the school district's decision. A copy of Pennsylvania's Homeless Children's Initiative Complaint Form is attached. **(Tool 3(b))**
 - The family/youth can have an advocate or attorney handle the matter.
 - You may also ask for help from the Commonwealth's Office of General Counsel's Dispute Resolution Program, a voluntary informal mediation process through which a trained impartial mediator helps parties to reach a mutually acceptable resolution. For more information go to: http://www.ogc.state.pa.us/portal/server.pt/community/dispute_resolution/4415. Using mediation does not waive a family/youth's right to file a lawsuit before or after the mediation.

Name of school district's homeless liaison involved in the decision:

Title: _____ Phone: _____

Name of McKinney/Vento Regional Coordinator consulted in making this determination:

I hereby confirm that I received this Notice:

(Name of parent, guardian, or unaccompanied youth)

TOOL 3(c)

Enrollment Complaint to Pennsylvania Department of Education's State Coordinator for Homeless Children's Initiative

Call for assistance: 717-783-6468.

Date: _____

Name: _____

Address: _____
(where you can be reached)

Phone: _____ Email: _____

Dear State Coordinator:

My son/daughter, _____,
(name of child)

Mail this form to:
State Coordinator, Education
for Homeless Children &
Youth Program
Pennsylvania Homeless
Children's Initiative,
Pennsylvania Department of
Education
333 Market Street, 5th Floor,
Harrisburg, PA 17126-0333

is experiencing homelessness. I am

writing because the _____ School District:

- will not enroll this child.
- will not let this child stay in the same school/he/she has been attending.
- will not provide transportation to stay in the same school he/she has been attending.
- will not provide equal access to public preschool.
- will not provide equal access to academic or non-academic services. (Explain which services).

Other _____

Please feel free to attach additional pages with explanation of situation, supporting documents, etc. You may call or write to me at the address listed at the top of the page with any questions you may have. Thank you.

TOOL 3(d)

A Parent Checklist Building Collaborations and Communicating with Schools*

Know what you are asking the school to do (or not do) for your child.

Be clear about what you want. Identify your concerns and what you want to see happen. Make a list. Write it down or save it to a computer. Talk to family members, shelter providers, teachers, or others whom you know and trust to help you determine what you want the school to do for your child.

Know how to contact the right person to address your concerns.

Be sure you have the name and contact information of the person who is best able to help you. If you have concerns about enrollment or transportation contact the McKinney-Vento liaison in your school or the Regional Coordinator at the Allegheny County Intermediate Unit.

If you have concerns about special education, start with your child's special education teacher or the school's director of special education. If your concerns are about discipline, start with the school principal or guidance counselor.

If you can't get help from the school, contact outside service providers and advocacy organizations. They can generally help with information, resources and advice about next steps. See the **Resources** section at the end of this Toolkit.

Know what you are talking about. Use reliable sources.

Educate yourself about your child's needs, the school's policies and practices, and possible solutions. Don't rely on what other people say. Most school districts now have web pages. You can go on line or ask shelter and other services providers to help you find helpful information.

Ask questions.

If you don't understand something, ask to have it explained. Keep asking until you have the information you need to understand and to make a good decision.

Set priorities.

You can't do it all. Not everything has to be resolved at one time. What can wait? What requires a phone call? A meeting? Figure out what is important to you now and what will make the most significant difference in your child's education – and focus on that first.

- Be direct and honest.** Treat school officials the way you want to be treated. Say what you mean without placing blame. 90% of communication is non-verbal. Be aware of how you are feeling and let school officials know you are stressed, tired, or overwhelmed and ask for their patience. Sometimes school personnel are stressed and overwhelmed too!

Understanding goes a long way to resolving disagreements.

Practice what you want to say and how to say it.

We all get nervous when we have to talk about important or sensitive things. Ask a friend, provider or family member to practice with you—and start with a long, slow, deep breath!

Stay focused on your child. Focus on the positive.

Use phrases like, *"We really need to focus on..."* *"I'm sure we'll find a good solution to..."*

Questions that begin with "why" or "who" create more defensiveness than those that begin with "what" and "how."

Try asking questions like -

- *"How can we make transportation work?"*
- *"What are some of the things I can do to help?"*
- *"How can the school help my child succeed?"*
- *"What other supports and services can the school provide for my child?"*

- Brainstorm solutions.** Give yourself and the school time to explore a variety of solutions without committing to any one way. Explore creative, flexible and collaborative solutions together.

Use phrases like, *"We can..."* *"Yes, let's try..."* *"What about trying..."*

***Adapted by the Education Law Center, with permission and appreciation, from "Communication Tips for Building Strong Partnerships" created by the Parent Education & Advocacy Leadership Center (PEAL) www.pealcenter.org.**

TOOL 4

An Education Screen: What Does a Child Need To Be Successful in School?

The Challenge: Every child has unique educational needs resulting from his own school history, cultural background, learning style, strengths, weaknesses and interests. One of the first steps to promote true success in school is to recognize your child's unique needs.

This Tool helps parents and providers identify a child's educational needs and offers information and resources. The Education Screen, **Tool 4(a)**, walks a parent and provider through the process of understanding a child's school history and identifying a child's current educational needs and making sure they are on track to graduate. It includes information to help identify students with special needs including students with disabilities, English Language Learners,

Before using the Education Screen, try to set aside some time to gather and review available information about your child, such as a child's report cards, progress reports, and Individualized Education Plan (IEP). Try to identify specific areas of concern. For example, *"My child is having trouble reading at grade level"*, *"My child is having behavior issues in class"*, *"My child is withdrawn"* or *"My child is having trouble keeping up in class."*

Providers can help parents with this process by helping parents find time to focus on their child's educational needs, to review and "talk through" education records and to engage in a conversation about what supports, programs and services are needed to help a child succeed.

A Note about Confidentiality of Education Records: A school cannot share any education records directly with a provider without a parent's written consent under a law known as "FERPA" – the Family Educational Rights and Privacy Act. If a parent wants a provider or other person to receive a child's education records directly from a school, the parent – or youth over 18 – must provide consent in writing authorizing the school to share records with the provider. A sample form is attached as **Tool 4 (c)**

Caseworkers and other service providers should not disclose confidential information about a child or a child's family to a school or to anyone else without the families expressed permission. Such disclosures are also prohibited under laws like the Child Abuse Prevention and Treatment Act ("CAPTA"). It is important that this information and medical information protected by Health Insurance Portability and Accountability Act (HIPAA) does not become part of the child's education record. There are times when communicating limited information is important and can help a child in school. However, it is important to protect confidential information such as family history, incidents of abuse, medical records and other personal information. A parent gets to decide what information can be shared with school personnel.

TOOL 4(a)

Student Education Screen

This Screen is designed to identify a child's unique educational needs and can help a child receive the assistance she needs to be successful. The Screen **will not** be given to a child's school unless the child's parent decides to share certain information on their own. The form will not be part of a child's education record or school file unless a parent decides to share it with the school.

Child's Name: _____

Child's date of birth: _____

Current grade level: _____

Name and address of where child attended school last year:

School History

Understanding where your child is coming from can help decide where a child needs to go next. Taking a short "education history" is a good place to start.

- When did your child first attend school? _____
- Did he/she participate in a preschool program or Head Start? What kind of program was it? _____
- Is English your child's first language? _____ (If not, see ELL box below and Attachment to this Tool)
- Did your child ever receive any special services before starting school such as speech therapy, physical therapy etc. _____

- When did your child first learn to read? _____

- Has your child received or been evaluated for special education services? in the past? _____
- Has your child been out of school for more than a week? If so, how long has s/he been out of school? _____
- Does your child have a history of being absent and/or late for school (i.e., absent more than 3 days for reasons other than sickness/excused absence)?

- Has your child struggled with any subjects in school? If so, which ones?

- Has your child received any extra help in math, reading or another subject?

- Has your child ever repeated a grade? _____
- Has your child had any school discipline problems in the past? If so, what were the issues?

- Has your child been bullied in school in the past?

Academic Needs

There are many reasons for school problems. But all children can be successful with the right help. Intervening now can make all the difference.

- In general, does your child like school? _____
- How does your child do in school academically in school? How are your child's grades in school? _____
- Are there any subjects your child struggles with? If so, which ones? _____
- Do you know your child's reading and/or math level? _____
- How does your child do in math? What types of math problems was your child doing at his/her last school if you know? _____

- Do you think your child needs any extra help in math, reading or another subject?
-

- Do you know how your child scored on the state standardized test called the "PSSA" – Pennsylvania System of School Assessment? (This test is given to every Pennsylvania student in grades 3 through 8 and grade 11 to assess reading and math. Scores range from Advanced, Proficient, Basic or Below Basic.
-

- Is your child interested in vocational/technical instruction?
-

Important! Many schools offer extra help through different school programs. Do you think your child may need some extra help in:

Check all that apply: Reading Math PSSA Testing prep

Credit Recovery SAT Prep Job Training/skills

One-on-one tutoring

IMPORTANT: Many studies show that **one-on-one tutoring** can make a big difference. Six months of tutoring can increase reading levels by 1.7 years! Ask your school and provider if one-on-one tutoring is available.

English Language Learner

If your child is an English Language Learner (ELL student), a school will give your child a Home Language Survey to determine his ability level in his native language and in English. The school can adjust your child's classes to make sure he can understand what is being taught, evaluate progress; provide accommodations for testing and access programs and extra support if language is a barrier.

NOTE: Schools must communicate with parents/caregivers in their native language and provide translation & interpretation services for important activities. **For more information about meeting the needs of ELLs, see Attachment Tool 4(b).**

- Is your child an English Language Learner? _____
- What language is spoken at home? _____

- How would describe your child’s English language ability level: *(Circle one)*

Advanced Intermediate Beginner No English

- Did your child receive “ESL” (English-as-a-Second Language) instruction at his/her last school? _____
- What accommodations does your child need for tests or in class? _____
- Would you like the school to speak to you in a language other than English? _____
If so, what language? _____

Progress Toward High School Graduation

Graduating from high school takes planning. Know how many credits your child has and talk to your school about graduation requirements.

- Do you know if your child is on track to graduate? How many credits does your child have right now?

- Has your child received credit for all partial credits earned? (e.g., partially completed coursework, summer programs, boot camp, etc.)

- Does your child need to recover credits s/he may have missed? Is your child able to work on a computer-based program to do this? Some schools will allow a child to take a test to demonstrate mastery of the subject. _____
- If your child is a senior, has your child identified a senior project s/he will complete to graduate? _____
- Who will issue your child’s diploma? _____
- Does your child intend to take a GED test instead? If so, testing preparation programs are available. Talk to your school.

Post-Secondary Planning

It's important to think about your child's plans AFTER graduation beginning early in your child's high school years.

- What is your child's plan AFTER graduation from high school? _____
- Does your child want to go college? _____
- Does your child need to sign up for the SAT? (These fees are covered.) _____
- Does your child need SAT tutoring to prepare for the test? _____
- Does your child need help to apply to college? _____
- Is your child interested in a vocational program, career training program? _____
- What employment options is your child considering? _____

Social Issues and Keeping Your Child Connected to School

Children who have some connection to school are more likely to stay in school. It's important to identify a subject or activity your child is interested in that can give them that connection. It may be a school subject, a sport, music, drama etc.

- Name some activities that your child enjoys, has participated in the past or has expressed an interest in such as a sport, school club or cause. Star the activities your child is most interested in.

- Are there any social issues (e.g., bullying or trouble making friends) you are concerned about? _____
- Has your child been bullied by other students or been accused of bullying other students? Many schools provide anti-bullying or positive behavior support programs. Also, ask about the school's student assistance program.

- Is your child currently having any discipline issues in school? Talk to a guidance counselor at school before this becomes an issue to see if your child needs a positive behavioral support plan in school. _____
- Does your child relate well to adults? Would s/he benefit from a teacher/mentor relationship? Ask your school about mentorship programs.

Tip: Work with your school's guidance counselor or other person to help your child handle social issues and allow her to feel at home in school. Address potential problems BEFORE they become a discipline issues.

Special Education

A child may need to be evaluated for special education services if s/he fails to make progress in school or is far behind in math or reading despite general intellectual ability or if a child has a health impairment that is interfering with his/her ability to learn.

- Has your child ever been evaluated for special education services?
No Yes, found to be eligible Yes, found to be ineligible
- Do you think your child may need to be evaluated for special education services now? Yes No
- If you think your child needs to be evaluated, what are your particular areas of concern? _____

If you child currently receives special education services: See **Tool 6: Meeting the Special Needs of Homeless Children with Disabilities.**

Need for Accommodations for a Disability

- Does your child have a condition such as asthma, diabetes, a physical disability or mental health issue that may require special accommodations in school?

If not, you may skip these questions.

- If yes, what kinds of accommodations does your child need (such as bringing food to class, using an elevator etc.) _____
- Did your child have a "Service Plan" or "504 Plan" at their last school? Do you have a copy of it? _____
- Does a Service Plan need to be developed or updated? If so, ask for a meeting with your school. _____

Tip: Children with a disability that interferes with their daily life activities may need special accommodations in school. Under federal law, a child who needs such accommodations is entitled to a "Service Plan" or 504 Plan. Like an IEP, a "504 Plan" lists the accommodations a child needs in school. Organizations like the Juvenile Diabetes Research Foundation or Arthritis Foundation offer model 504 Plans on their website which includes issues to consider when developing your child's Plan.

Tool 4(b)

Meeting the Needs of English Language Learners

If your child is an English Language learner, follow this step-by-step guide to address their ELL needs.

Step One: Ensure that your child completes a Home Language Survey to determine the child's current ability level in his native language and in English.

Step Two: Parents must be informed in their native language if their child needs a program for ELLs, including a description of teaching methods. Schools must communicate with parents/caregivers in their native language – by providing translation & interpretation services.

Step Three: Ensure that the school provides ESL (English-as-a-Second Language) instruction as needed depending on your child's needs. The Pennsylvania Department of Education recommends the following:

- 2-3 hours per day of ESL – Child has no English
- 2 hours per day of ESL - Beginners
- 1-1/2 hours per day of ESL – intermediate level
- 1 hour per day of ESL - advanced

ESL is usually provided as a “pull out” of a group of ELL students during regular class time.

Step Four: Your child's instruction may need to be adjusted to make sure he can understand what is being taught (*e.g.*, bilingual instruction, modifications, and other extra help) and accommodations may need to be made for testing as well through interpreters.

Step Five: The school should evaluate progress and make adjustments as needed on an ongoing basis.

Step Six: Ensure that the child receives access to ALL programs and extra support and that your child's language is not a barrier to participation.

TOOL 4(c)**Authorization to Release Education Records**

Student's Name: _____

Date of Birth: _____

Current Address: _____

Present School: _____ Grade: _____

As the parent, guardian, person acting as a parent of the above-named student (or above-named student over age 18) I hereby authorize the release of copies of education records relating to this student pursuant to the Family Educational Rights and Privacy Act ("FERPA") and/or the Individuals with Disabilities Education Act ("IDEA") to:

Person(s) to whom to Release Records:

Address _____

City/State/Zip Code _____

I authorize the release of all education records created, collected, or maintained by the following school district or educational agency concerning this student. School District:

Address: _____

I understand that "records" means all education records created, collected, or maintained by school districts or educational agencies related to this student including but not limited to: School attendance records; Grade reports and progress reports, including standardized test scores; Disciplinary records; Any psychological, psychiatric, educational, or medical evaluations; All special education records, including Evaluation and Reevaluation Reports, Permission to Evaluate forms, Individualized Education Programs (IEPs), and Notices of Recommended Educational Placement; other documents as defined by FERPA.

I consent to this Release of education records to the above-named person(s).

Signature of Parent/Guardian/Person acting a parent in place of parent:

Signature of Student (if over 18) _____

Date: _____

Waiver Valid Until: _____

TOOL 5

Getting Extra Help for Students: Title I and More

The Challenge: Children who move around a lot often miss days of school and may need extra help —such as tutoring in math and reading—to get back on track and to be successful in school. Sometimes children without a permanent place to live also need additional or different services to help them be successful in school, such as a , school supplies, backpacks, notebooks, pens, materials for special projects, or help paying the fees to apply to college. Many children experiencing homelessness go without the things they need in school because no one asks or because no one knows what schools can do with their Title I funds.

A law – known as “Title I” (“*Title One*”) – allows schools to help students who are educationally at risk – including children who are homeless receive the support they need. Title I funds can be used for many things, including tutoring, school supplies and even bringing educational programs to children in shelters where they live.

Schools do not have unlimited funds to meet every child’s needs. But schools should know and understand the special needs of children who are without a fixed, permanent residence. Schools can use Title I funds they already have or have set aside to help homeless students. By speaking up and asking about Title I services, you can receive extra support that will help your child be successful—and expand your child’s future. Knowing the right questions to ask is an important first step.

This Tool provides general information about Title I resources and answers to frequently asked questions about how to access these services. **Tool 5(a)** is a tool for parents and presents *Five Simple Steps to Get Extra Help in School*. **Tool 5(b)** is a “Title I Work sheet” for providers that list the services that can be funded under Title I to address a homeless student’s needs. The Worksheet then provides blocks to develop a permanent record of where to go in a school district to get the help a child needs.. This Worksheet can be completed by setting up a meeting with your school district’s Title I office and homeless education liaison to talk through how Title I services are provided. The Worksheet can also be a starting point to a deeper collaboration between providers and schools to meet the needs of children who are homeless. For example, school uniform vouchers or tokens may be provided to providers to ensure that children can start school right away.

The Law: Title I of the Elementary and Secondary Education Act (ESEA) is a federal program that provides funding to school districts and schools to help children who are most at risk for school failure. A school will receive Title I money automatically if there are high numbers of poor children in that school. Title I funds are generally used to provide additional learning support and opportunities to help children master core subjects like reading and math. Title I funds can also be used to pay for special preschool, after-school, and summer programs. For children who are homeless, Title I funds can also be used for additional items to meet their particular needs such as school supplies, uniforms, and a lot more.

Frequently Asked Questions

Are ALL children who are homeless eligible for Title I services?

YES! ALL children who are homeless are automatically eligible for Title I services regardless of where they go to school. Even schools that do not usually receive Title I funds must reserve *some* funds for students who are homeless and provide “comparable” Title I support services to support children who are homeless.

How can Title I funds be used to support students experiencing homelessness?

Title I funds may be used for services that are reasonable and necessary to help a child take advantage of educational opportunities. This includes providing or paying for –

- Extra learning help in school
 - Tutoring
 - After-school programs
 - Extended learning time
 - Saturday classes
 - Summer school
 - Other services to assist homeless students in meeting the state’s challenging academic achievement standards
- Extra learning help in the shelter: Educationally-related support services like after-school tutoring or summer programs.
- School supplies
- School uniforms, clothing, shoes necessary to participate in physical education
- Basic needs such as food, medical and dental services and agency referrals
- School and graduation fees including fees necessary to participate in the general education program

- SAT/ACT and AP and IB testing or GED testing fees for school-age students
- Counseling services to address anxiety related to homelessness that is impeding learning
- Assistance with obtaining school enrollment documents (e.g., birth certificate, immunization records)
- Eyeglasses and hearing aids
- Parent programs to support school success

How would I know if my child needs extra learning help in school?

If your child scores “below basic” or “basic” on standardized tests (like the PSSA that all children take in grades 3-8 and 11), she needs additional help or support to learn.

If your child is not doing well in school, talk to your school about opportunities for tutoring and other extra supports to help your child make progress. School districts have a Title I plan that describes how their funds will be used for learning support. You can talk to your school about how Title I learning support is provided.

Can Title I funds be used to provide transportation for my child to stay in the same school for the rest of the school year even after we are living in permanent housing?

YES! Schools can use Title I funds for services that are authorized or encouraged but not absolutely required by the McKinney-Vento Act. Here, the Act requires schools to continue to allow formerly homeless children to remain in the same school until the end of the school year. However, the Act does not specify how transportation to school will be provided. Therefore Title I funds may be used to provide transportation for your child to stay in the same school, even after you have found permanent housing. Even if a school is not willing to use its Title I funds for this purpose, your child can still be transported with general school district funding.

What are some examples of services that Title I funds CANNOT be used to support?

Services that do not support or enhance a child’s ability to learn are not covered by Title I. This includes prom gowns or tuxedos; regular clothing for the student or family members; yearbook fees and other non-education related services. Also, Title I funds cannot be used for services that are “required” to be provided under McKinney-Vento such as transportation for a child who is currently homeless to return to their prior school. Instead, McKinney-Vento funds are to be used for that purpose.

Can my child receive a free or reduced school lunch?

YES! All children who are experiencing homelessness are entitled to a free or reduced price school lunch.

What other help beyond Title I may be available in my child's school?

Your school may offer lots of other help outside of Title I. This may include PSSA tutoring, SAT classes, remedial reading and math programs, Century 21 grant programs, one-on-one tutoring, credit recovery programs, and after-school job training programs to name a few. Schools may also offer counseling services or special anti-bullying programs. Each school – even within the same school district – may offer different types of support services and programs. Under the McKinney-Vento law, your child is eligible to participate in the same programs and activities that are offered to resident students and your child cannot be discriminated against or treated differently because he is homeless.

What can providers do to help children get extra help?

Providers can help parents a great deal by learning what services and programs a particular school offers and who in the school to turn to access for those resources. The Title I Worksheet for Providers (**Tool 5(b)**) is designed to do just that by identifying potential student needs and providing a framework to create a permanent record of where to go and how to access those services in a particular school.

Tool 5(a)

Five Simple Steps to Get Extra Help in School

Step One: *Talk to your homeless education liaison about the specific needs of your child.*

You can start the conversation like this: *“My family is currently without a permanent home.. Because of our situation, my child needs some extra things – like a backpack, school supplies or a uniform to get started in school. Can you help me with this?”*

The liaison may tell you to call the “Title I Coordinator.” Usually, a “Title I school” will have a “Title I office” that coordinates these services and knows where to go for help. For example, testing fees may be handled by a guidance counselor and schools supplies provided by the homeless education or McKinney-Vento liaison, while eyeglasses are dispensed by the school nurse..

Parents and providers can use the attached **Tool 5(b)** “Title I worksheet” to identify a child’s specific needs and keep a list of who to talk to at a particular school. This worksheet can also be used to facilitate a discussion between a parent and provider or between a parent and a school official.

Step Two: *Talk to your school about Title I and other academic programs that the school offers to provide extra help in core subjects like reading and math.*

Parents and providers can ask schools questions like: *Do they have any special programs after school to help children? When and where are these programs? Can my child receive transportation to participate in those programs?*

Step Three: *Talk to your school about ALL types of programs they offer.* Sometimes schools offer special programs to help students with standardized tests, job training, and earning credits towards graduation. Ask about these specifically—*Do you have any other special programs? Do you offer any job training programs? Credit recovery programs?*

Step Four: If you have any concerns about social issues or school discipline problems, talk to your school guidance counselor.

Some schools offer mentoring programs, social and emotional supports, and counseling. Ask about these and other services that can support your child's adjustment to school and the impact of his experience of homelessness. Ask the guidance counselor about clubs and activities and how your child, who may be coming into school later in the school year, can participate. Ask how your child can stay connected to their new or old school, given their experience of homelessness.

Step Five: Engage in an "ongoing" conversation with your school. Keep the conversations going. Your local school homeless education liaison and Title I Coordinator can be very helpful. They can tell you what types of services and supports are available and how to get them. They will also be aware of a new programs or changes to Title I services.

Providers might want to meet with the school district homeless education liaison and Title I Coordinator about how a school could use Title I funding to support after-school, summer and other learning programs provided in the shelter and how to ensure that these and other provider programs align with the teaching curriculum in the local school.

TOOL 5(b)

Title 1 Worksheet for Providers

School: _____

School District: _____

What A Child Needs	How Often?	Name of Person & Office That Provides Service	Process for Accessing Service	Can these items/ services be provided at the shelter?
Uniforms				
Clothing/shoes for physical education				
School supplies (backpack, notebooks etc.)				
Student fees necessary to participate in general education programs:				
SAT/ACT fees				
GED fees				
AP and IB fees				
Extended learning programs (before and after school)				
Saturday classes				
Summer school				
One-on-One Tutoring				

What Child Needs	How Often?	Name of Person & Office That Provides Service	Process for Accessing Service	Can these items/ services be provided at the shelter?
Fees for documents provided after the child has immediately enrolled:				
Birth certificate				
Immunizations				
Other enrollment documents				
Eye glasses and hearing aids				
Food				
Medical Services				
Dental Services				
Counseling services				
Health				
Parent involvement				
Basic needs				
Parent involvement programs				
Counseling Services				
Transportation provided after child is permanently housed				
All other programs and resources offered at the school (e.g., tutoring programs, Century 21 grants, credit recovery, job training etc.)				

TOOL 6

Meeting the Special Needs of Homeless Children with Disabilities

The Challenge

Being homeless takes a social, emotional and physical toll on children and youth. Children who are homeless face additional educational challenges when they also have a disability. Studies show that students experiencing homelessness are **twice** as likely to have a learning disability and **three times** as likely to need emotional support in school as children who are not homeless. Yet, too often, homeless students go without these critical services. Unmet special education needs can have a significant impact on a child's ability to be successful in school.

Special education rules can be confusing and overwhelming. You are not alone! There are statewide, regional and local organizations that will provide free information, advice and support for parents and those help them, including providers.

In Allegheny County, you can call the PEAL Center 412-281-4404 or the Disabilities Rights Network 412-391-5225 or the Education Law Center 412-258-2120 and they will help you find the information and support you need.

To ensure that students experiencing homelessness who have disabilities access the full range of special educational supports and services, it is important for parents and providers to understand how the public education system is designed to educate children with disabilities (called "special education") and, how this system can ensure school success for individual children. This Tool presents information to help parents navigate the special education system when their children are experiencing homelessness.

No one knows a child like a parent. The knowledge and opinions of parents about their children are very important. The law says that a parent's opinion must be considered by school officials and that parent are full partners in all aspects for special education decision making – from initial evaluations through program development and ultimately, school placement decisions. If you have a child with a disability, or suspect your child may have a disability, and you are experiencing homelessness it is very important to find out what your school is doing and can do to help your child be successful in school. Don't be shy about sharing your concerns about your child's educational progress – you know your child best!

The Law: The Individuals with Disabilities Education Act (IDEA) requires schools to ensure that all children with disabilities are identified, evaluated and provided with the supports and services they need to be successful in school. The IDEA seeks to ensure that all children with disabilities have access to a free, appropriate public education in the least restrictive environment and provides funding for special education and related services. It also contains extensive “due process” rights for parents. These rights include (1) the right to review and protect educational information about their child, (2) the right to participate in all educational decisions, and (3) the right to challenge decisions of the school if the parent disagrees. There are also special disciplinary protections for children with disabilities. These rights are explained in more detail in **Tool 7** *Helping a Child Handle School Discipline Problems*. For youth who are homeless and living on their own, the IDEA provides that a school district must appoint a special education decision maker (called a “surrogate parent”) to represent the unaccompanied youth in the special education process.

The McKinney Vento Homeless Assistance Act uses the same definition of “homeless children and youth” as the IDEA and specifically requires that all children experiencing homelessness have access to the full range of public education programs, including supports and services for children with disabilities.

What is Special Education?

Special education is a program of instruction, services and supports designed to meet the unique needs of a child with disability on an individual basis at no cost to parents. Public schools (including charter schools) must help children with disabilities to learn and succeed in school by giving them special education. Special education services must be appropriate, that is, the services must help a child to make meaningful progress in school – even if their education has been interrupted by homelessness.

Special education does not have to be provided in a specific classroom or school. It is not a place where a child must go but rather focuses on an individualized program of instruction, services and support for a child. The law requires children with disabilities to be educated with children without disabilities in regular education classrooms, with supports and services, to the maximum extent appropriate for the child. This is called the “least restrictive environment.”

When Is A Homeless Child Eligible for Special Education?

A child experiencing homelessness is eligible for special education services if she meets the legal definition of a “child with a disability” – that is, the child has a disability that interferes with learning and special education services are needed to enable the child to make progress.

Not all children experiencing homelessness need special education. But when they do, it is critical that the supports and services they need are in place quickly—and that they continue—even when their family moves frequently or lacks a permanent residence.

If your child is having trouble learning in school and has one of the disabilities listed in the law, your child can be evaluated and if eligible receive special education services. If your child is having trouble adjusting to school, struggling with behavior challenges, or needs social and emotional support, she may also be eligible for special education supports and services.

What is a “disability” under Special Education Law? Federal and state law define a child with a disability as a child who has mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, **and** who, because of that disability, needs special education services.

What is a disability that requires accommodations in school? Under federal and state law, a child with a medical condition or disability may need “reasonable accommodations” if the child’s disability limits his access to or participation in school programs. This right applies even if the child does not need special education services for learning. For example, a student with asthma, Type 1 diabetes or cancer may need changes to their school schedule or classroom environment to accommodate their medical needs.

How do I get special education help for my child?

Step One: If a parent believes her child may be eligible, the parent should first request that the school evaluate the child. (**See Tool 6(a)**, a sample letter parents can use to request an evaluation at any time.) However, the school cannot do an evaluation unless and until the parent agrees to the evaluation by signing Permission to Evaluate – Consent Form. Schools will give you this form if you ask for it. Once the signed consent form is submitted, the school’s evaluation must be completed within 60 calendar days and an Evaluation Report must be provided to the parent in a language she can understand. This Report will tell you if your child is eligible for special education services.

Step Two: If your child qualifies for special education services, the school will convene an Individualized Education Program Team (IEP Team) to review the recommendations of the evaluation and develop a written plan called an “IEP.” A parent is an important member of this team and will have input into what the IEP says. The IEP explains what services and supports the school will provide for your child to permit him to make progress in school. It is like a contract between the school and the parents. Once the IEP is developed, it must be implemented within 10 days.

Step Three: Once the program is developed, the IEP Team will next consider where your child should be educated and must first look at the regular education classroom. Many children with disabilities can learn and make progress in regular education classrooms with supports and services. Others may need to go to a special classroom for learning or emotional support for some part of the school day. A few students may even go to separate schools if their needs cannot be met in the regular school setting. When the IEP Team agrees where the special education services will be provided, the school will give you a form called a “Notice of Recommended Educational Placement/Prior Written Notice (“NOREP”). This is an important paper and must be provided in a language you can understand! Read it carefully. If you don’t understand it – ask questions until it makes sense to you.

What do I do if the school and I disagree about what my child needs?

If you disagree with a recommendation about your child’s evaluation, re-evaluation, program or placement talk to your child’s teachers and the school’s Special Education Director about your concerns. If your child is receiving services, you can also request an IEP Team meeting at any time to discuss your concerns and to request changes. You can also ask that your concerns be addressed through “mediation” (negotiating with the help of a neutral person) or a formal administrative complaint to the State or you can request a Due Process hearing where you can bring in witnesses and present evidence to a Hearing Officer who will resolve the dispute. A Due Process complaint form can be filed by a parent or an attorney. A complaint form can be obtained through Pennsylvania Training and Technical Assistance Network (PaTTAN) through their website at www.pattan.net or by calling 412 -826-2336.

To learn more about the details of special education rights and responsibilities or to ask a specific question, use any of the following resources:

Education Law Center www.elc-pa.org or 412-258-2120 (Read or download a free copy of “The Right to Special Education in Pennsylvania: A Guide for Parents”

PEAL Center www.pealcenter.org or 412-281-4404 (Western PA)

Disabilities Rights Network www.drnpa.org or 412-391-5225

Pennsylvania Department of Education (PDE) – Special Education ConsultLine
800-879-2301

Pennsylvania Training and Technical Assistance Network (PaTTAN) www.pattan.net

TOOL 6(a)

Bill of Rights for Children with Disabilities

School districts have a specific duty to locate, identify and evaluate children who may need special education services and to provide needed services and supports to enable a child with a disability to make progress. Children with special education needs who are homeless have the following rights:

1. **To be evaluated promptly.** Schools must ensure that students who may need special education services are evaluated within 60 calendar days (minus the summer) from the date a parent consents to the evaluation. This timeline applies even when a child changes schools before the evaluation is completed. The IDEA makes clear that economic disadvantage and other challenges related to homelessness cannot be used as an excuse to delay or refuse to evaluate a child. You can also request that a school district conduct an “expedited evaluation” (less than 60 days) if you believe that your child should have been identified for services much earlier.
2. **To receive immediate support services.** A parent and a school can agree to put some services in place to help support a child suspected of having a disability while an evaluation is being completed or while waiting for the child’s current IEP to be provided from a prior school. Once an IEP is developed, a child is entitled to receive services within 10 days.
3. **To have “equal access” to the full range of school programs and services,** including after school programs as other resident children.
4. **To receive special education services that are comparable to the special education services received in the child’s prior school.**

Students with disabilities must be enrolled and receive comparable special education services immediately, even when the enrolling school does not have the child’s educational records, including the IEP and other special education documents.

5. To remain in the same school and same special education placement.

McKinney Vento gives students experiencing homelessness the right to remain in the same school placement, regardless of changes in their living situations, when it is the student's best interest. Students with disabilities have the same right to remain in their special education program or placement. This applies to a special education placement made by a school district or charter school and includes an out of district placement and non-public placement which may be the "school of origin" for a student with a disability.

6. To have access to transportation.

Students with disabilities have the right to receive appropriate transportation to and from school if it is listed on their IEP as a related service. In addition, all students who are homeless are entitled to be transported to school, including receiving transportation back to their school of origin. When a student is eligible for transportation under their IEP, the school the child is attending generally provides transportation. If transportation is not required to be provided under the child's IEP the two schools involved have to decide which one pays. If there is disagreement, the McKinney-Vento Act requires the districts to share the cost equally. In all cases, the transportation should be provided immediately.

7. To the appointment of an educational decision maker – known as a "surrogate parent" if a child does not have an active involved parent, guardian, foster parent or person acting as a parent with whom the child lives.

The rights and protections of the IDEA law must be exercised by the child's "parent." "Parent" for special education purposes includes a biological, adoptive or foster parent, a guardian or an individual who is acting in place of the parent and with whom the child lives (*e.g.* grandparents, stepparents or other adult friend or relative) or a surrogate parent appointed by a school district or a court.

When a student with a disability is homeless and the school cannot identify or locate a "parent" or the student is a under 18 and "unaccompanied" by parents, or a ward of the state, **the school must appoint a surrogate parent and should do so within 30 days.** It is important for providers to help a student enroll immediately. A surrogate parent can also be appointed by a juvenile or family court judge whenever this is in the best interest of a child. A caseworker or someone involved in the education or care of the child **cannot** be a surrogate parent under the IDEA. However, a court may appoint a caseworker to consent only to the "initial evaluation" of a child in the absence of any other person to consent to an evaluation.

TOOL 6(b)

Sample Letter Requesting an Initial Special Education Evaluation

Your Address (*where you can be reached*)

Your Phone Number

Date

Principal's Name

Name of Your Child's School

School Address

Dear Principal:

I am the parent of _____, whose date of birth is _____.

My child has not been doing well in school and I am therefore requesting a comprehensive evaluation to determine whether my child needs special education services, and, if so, what services are needed.

I would like to participate with the school staff to decide what testing is needed and what information about my child should be collected. I'd also like to know when the testing (if any) will be done, and whether any meetings will be scheduled so that I can attend.

I understand that the evaluation must be completed, and a written report given to me, within **60 calendar days** (not including the summer months) of the school district's receipt of the **Permission to Evaluate-Consent Form** signed by me. Please send me a **Permission to Evaluate-Consent Form** to sign as soon as possible so that we can begin the process. [Or, I'd like to come to the school and sign the form immediately].

Should you have any questions or problems with this request, please contact me at the following number(s) _____ or by e-mail at _____.

Thank you.

Sincerely,
[Your Name]

cc: Director of Special Education

KEEP A COPY OF THIS LETTER FOR YOUR RECORDS. WE RECOMMEND THAT YOU HAND-DELIVER THIS REQUEST TO THE PRINCIPAL AND MAKE SURE SOMEONE SIGNS FOR IT, OR THAT YOU SEND IT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. YOU SHOULD ALSO SEND A COPY OF IT TO YOUR SCHOOL DISTRICT'S OR CHARTER SCHOOL'S SPECIAL EDUCATION DIRECTOR.

TOOL 6 (c)

Parent Checklist: Special Education Advocacy

- Know what the school knows about your child.** Ask to see all of child's educational records; keep copies of letters and reports. Try to keep important school papers in one place – a file or an envelope that is easy to take with you. Keep it with you when you move.
- Learn about the right to special education and what the law requires schools to do and provide for children with disabilities.** There are many resources, locally and statewide, to help parents understand their rights and to help them get the supports and services their children need in school.
- Trust that you are an expert on your child's strengths and needs.** Share your joys and concerns about your child's educational progress with the school and others who are trying to help you.
- Talk to a friend, family member or shelter provider before you ask a school to help your child.** This will help you get organized, set priorities and create a list of questions. If you don't get the answer you want, ask them to put their reasoning in writing for you to review with others.
- Keep notes of names and conversations.** When you speak to schools, try to keep a list of the names of the school officials, their titles, and notes of any important conversations about your child's education.
- Be polite and respectful** – treat school officials the way you want to be treated. Ask questions if you don't understand. Don't sign paper work you don't understand.
- Don't be afraid to ask for help.** Don't be afraid to ask providers and other social service agencies for help with school problems or concerns you have about your child's education. Use these Tools and share them with schools and others as you work to ensure school success for your child.

TOOL 6(d)

Provider Checklist:

How to Help Parents of Children with Disabilities

- Learn more about special education rights and procedures.** Take a look at online resources. Join a listserv to receive updates about changes in special education laws and policies. Learn more about the rights and responsibilities of schools under special education and homeless laws.
- Create and Keep a School Resource for Staff and Parents.** Create and keep lists of names and contact information for schools and advocacy organizations in your community that you can share with parents or contact yourself with questions or requests for help. Maintain parent-friendly publications on site for parents and staff to review.
- Help parents gather, organize and keep educational records.** Create a file or binder with the parent that includes important school documents (evaluations, report cards, IEPs, and other educational records) to take with them to make it easier to transfer this information from one school to another.
- Help parents communicate with school personnel, advocacy organizations and others.** Talk with parents about how to talk with school officials, how to ask for help and how to ensure smooth transitions from one school to another.
- Help parents expedite evaluations and immediate provision of services,** while awaiting records. Help parents keep track of timelines, requests and school responses. Help them to draft letters requesting an expedited evaluation and clearly explaining their concerns.
- Help unaccompanied youth find adults who can stand in as “surrogate parents.”** Call schools or intermediate units to help find a surrogate parent who will help navigate the special education system and get the services a student needs to be successful.
- Expand staff training manuals and other professional development.** Include information about special education rights and school responsibilities for children with disabilities experiencing homelessness.
- Gather and develop** checklists, sample letters, and other tools to help shelter workers help parents and unaccompanied minors navigate the special education system.

TOOL 7

Helping A Child Handle School Discipline Problems

The Challenge: Children who are homeless may have trouble adjusting to school and find themselves caught up in school disciplinary issues. Sometimes behavior problems in school are the result of anxiety, emotional trauma or because children are overtired, overwhelmed, or just don't understand the rules of a new school. This is a particular concern for unaccompanied youth who are struggling and out on their own.

School discipline is an important concern because children who are suspended or expelled are more likely to lose ground in school and drop out. Similarly, children who are placed in alternative education for disruptive youth are often more likely to disengage from school altogether. Parents and providers need to help children stay on track by working with them to avoid these punishments.

Knowing the school discipline rules, a school's Code of Conduct and understanding a student's rights in the discipline process is essential to providing that help. Another key factor is anticipating potential problems and being proactive about addressing social and behavioral issues early through effective school-based strategies and, when appropriate, a student's positive behavior support plan.

The Law: In general, schools have wide authority to regulate student conduct **during school hours, at school-sponsored events AND while going to and from school** (and sometimes even out-of-school but only if that conduct disrupts the school.) However, schools must tell students what behavior may get them in trouble and these rules must be reasonably clear. Also, your child has a right to challenge being denied the right to go school in situations like an expulsion.

Some general protections that every student has in school are to:

- Receive a copy of the school's written Code of Student Conduct which explains the school's rules and what punishments the school may impose;
- Be subject to rules that are reasonable and not arbitrary or discriminatory;
- Exercise freedom of expression and practice their religion, as long as they do so without disrupting school activities; and
- Be free from discipline imposed because of race, ethnicity or disability.

Students being disciplined have the following rights:

- Before any **in-school suspension**, a student must be informed of the reasons and given a chance to tell his or her side of the story.
- Before any **out-of-school suspension** (up to 10 days in a row), a student must be informed of the reasons for suspension and given **a chance to respond**. Parents must also be notified in writing and the child must receive an **informal hearing for a suspension of 4-10 days**.
- Before any **transfer to alternative education for disruptive youth**, a student must receive an **informal hearing**. Parents must be notified in writing of the time and place of the hearing. Before an expulsion (removal from school for *more* than 10 days in a row), a student must receive a **formal hearing** in front of the school board or a committee of the board or a hearing examiner (at which a child may be represented by a lawyer, present witnesses and evidence and question school witnesses.)
- **If a child has a disability**, the right to a “manifestation determination review.” This is a special meeting that must be held before a child with a disability can change placements in order to decide if the child’s conduct was caused by or related to the child’s disability or caused by the school’s failure to follow the child’s IEP. If a child’s misconduct IS related to their disability, the child CANNOT be forced to change placements (*e.g.*, be expelled or be placed in alternative education) except in exceptional circumstances involving safety or serious offenses.

After being disciplined, students have the right to:

- Return to regular education;
- Continue to receive some education even if the child is expelled if the child is of compulsory school age (ages 8-17);
- Continue to receive a free appropriate public education in accordance with their IEP if the child has a disability.
- If the child is placed in an alternative education for disruptive youth (“AEDY”) program, the right to be reviewed every semester to determine whether the child can return to the regular education setting.

TOOL 7(a)

What You Need to Know About School Discipline

What is a “Code of Student Conduct” and why is it important?

In general, schools can only punish students if they break rules listed in the school district’s Code of Student Conduct. This Code tells families and students what is expected of them how the school may punish or discipline a child in school. Each school district and charter school must publish a code of student conduct, and give copies to students and families. The rules must be reasonably clear so that students know what is expected.

Can schools discipline children for ANY conduct?

No. School rules and discipline must concern student behavior at school, at school-sponsored events, or conduct on the way to and from school. In rare situations, a student may be disciplined for behavior off school grounds and/or outside of school hours if the conduct “disrupts” school in some way. School rules must be reasonable and cannot discriminate against children based on race, religion, ethnicity, or disability.

What can I do to help my child AVOID school discipline problems?

You should read the school’s Code of Student Conduct and talk to your child about the school rules AND the consequences of breaking the rules. If your child has had behavior issues in class, talk to the teacher about it. If needed, talk to the school about developing a “behavior plan” for your child – this is a plan for how your child’s behavior will be addressed. Work with your child’s teacher to reward your child for positive behavior in school.

What happens if my child receives an “in-school” suspension?

An in-school suspension usually lasts for three days but can last longer. During this time, your child will continue to go to school but may be placed in a separate room. There is no right to a hearing, notice, etc. Talk to the school about ensuring that your child stays on track by completing coursework and getting school assignments etc. during this time. Once the in-school suspension is completed, the child returns to regular class.

What happens if my child receives an “out of school” suspension?

A suspension is an exclusion from school for 1 to 10 days in a row. Your child can only be suspended by a principal or “person in charge of school.” The length of the suspension is important:

- **1-3 Days of Suspension = No Hearing**
- **4-10 days of Suspension = Informal Hearing**

At an informal hearing, your child has right to:

- Sufficient advance notice of time and place of hearing provided to parents
- Question any witnesses present at the hearing
- Speak and bring witnesses on behalf of student
- Have the informal hearing held w/in first 5 days of suspension
- BUT: No right to an attorney or to record hearing

Once a suspension is over, the child returns to regular school.

What happens if my child is facing an expulsion?

An expulsion is an exclusion from school for more than 10 days in a row and **requires a formal hearing** in front of a hearing examiner or school board AND must be approved by majority vote of FULL school board. Expulsions **can** be permanent. If a hearing cannot happen by the 10th day of suspension, your child has a right to return to class unless, at an informal hearing, the school finds your child is a threat to others.

Rights at the formal hearing include:

- The right to receive prior written notice of the time and place of the hearing at least 3 days in advance of the hearing (the student can request extension for good cause);
- The right to bring and be represented by counsel;
- The right to present witnesses, cross examine, and testify;
- The right to have the hearing recorded;
- The right to a written decision containing findings and reasons for the expulsion; and
- 30 days to appeal from the date of final decision to the local court of common pleas (but the child will be expelled while an appeal is pending).

What happens if my child brings a “weapon” to school?

A school must expel a child for “possession” of a weapon at school for at least one year **BUT** this can be shortened or eliminated by the superintendent and discretion must be exercised on a case-by-case basis. The term “weapon” has a broad definition under the law and includes but is not be limited to “any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of causing serious bodily injury.”

What happens if the school wants to transfer my child to an “alternative school”?

Your child has a right to an informal hearing prior to transfer to an alternative education program, unless the conduct poses a danger to persons or property or disrupts the academic process. A child cannot be automatically placed in alternative education because they were found to be disruptive in a prior school district. The question is whether a child is *currently* disruptive.

“Alternative education for disruptive youth” programs are for children (6-12TH grades) who have been found to be seriously and persistently disruptive. They must provide at least 20 hours of instruction and offer 2.5 hours of counseling per week. A child’s placement in alternative education must be reviewed every semester to determine if he can return to the regular education setting.

My child has a disability. Are there any special rules that apply?

Yes. In general, students with disabilities may be disciplined under the same rules as regular education students. HOWEVER, schools **MUST** take extra measures if the misbehavior is a result of the child’s disability and the school wants to “change the child’s placement” (for example, remove him or her from regular school or place the child in alternative education).

If a school wants to change the placement of a child with a disability, they must hold a meeting called a “**manifestation determination review**” **within 10 days of the incident** to decide whether the misconduct was *caused by or has a direct & substantial relationship* to the child’s disability **OR** was the *direct result* of the school’s failure to implement the IEP. If so, the child **CANNOT** be forced to change placements except in exceptional circumstances (*e.g.*, the child presents a danger to other students.) If the misconduct was related to the child’s disability, the school should also do a “functional behavioral assessment” and develop a positive behavior plan for your child.

Another special rule is that even if a child with a disability is expelled or placed in alternative education, she still has **a right to receive a free appropriate public education in accordance with her IEP.**

Does my child under 17 have any rights AFTER being expelled?

Yes. If a child is of **compulsory school age** (under 17) the student must receive some education even if expelled. This can be another public school, charter school, private school or home schooling. If none of these can be arranged, a parent must state so in writing within 30 days of date of decision and the school district must “make provision” for the student’s education by providing an appropriate form of instruction.

For more information about school discipline:

Education Law Center

www.elc-pa.org

Publications/ School Discipline

<http://www.elc-pa.org/pubs/downloads%202009/SchoolDisciplineinPA11-09.pdf>

Publications/Alternative Education for Disruptive Youth (2009)

http://www.portal.state.pa.us/portal/server.pt/community/purdon's_statutes/7503/alternative_education_for_disruptive_youth/507342

Disabilities Rights Network of Pennsylvania,

www.drnpa.org

Special Education and Discipline Publications

<http://drnpa.org/publications/special-education---discipline>

TOOL 7(b)

Tips for Parents To Handle School Discipline Issues

- Read the school's Code of Student Conduct and talk to your child about the school rules, how to follow them AND make sure your child understands the consequences of breaking the rules.
- If your child has had behavior issues in class, talk to the teacher about it as soon as possible. If needed, talk to the school about developing a "behavior plan" for your child – this is a plan for how your child's behavior will be addressed on a daily basis. Work with your child's teacher to receive progress reports and reward your child for positive behavior in school.
- Read all papers the school sends you. Make sure you know about any meetings or hearings that are scheduled concerning your child.
- Don't agree to anything you don't understand.
- If school staff doesn't seem to be following legal requirements, point that out. Show school officials the resources provided here if necessary.
- Attend all meetings and hearings. Make sure that school officials hear your child's side of the story. If you think that the school is not following the law, point that out. Take notes.
- Talk with your child and anyone else who might know about what happened. Talk to your child about witnesses – other students who may know what happened.
- Do NOT waive your right to an expulsion hearing.
- Consider contacting a lawyer, especially if the school wants to expel your child. Your local bar association may be able to refer you to an attorney. The Education Law Center may also be able to offer suggestions or advice.

TOOL 8

Homeless Preschoolers Bill of Rights (Children 3-5 years old)

The early years of a child’s life are vital to a child’s learning. By age five (5), about 90% of a child’s brain has been developed. As a result, very young children are more open to learning than adults, but also more vulnerable. Negative experiences like trauma or exposure to domestic violence, alcohol, drugs, unstable living conditions—and the lack of appropriate early childhood learning opportunities—can have a significant impact on young children, particularly young children experiencing homelessness.

Early learning opportunities can provide young children who are homeless with a stable and fixed center that helps promote social and emotional growth in the midst of often chaotic lives. Early childhood learning opportunities that target “at risk” populations, such as Head Start, Pre-K Counts, other publicly funded pre-k programs, and early intervention programs can provide a child with the early cognitive and social skills they need for success in school.

The Challenge: In Pennsylvania, pre-k programs are growing, but unfortunately, there are still an inadequate number of public pre-K programs and classrooms. Access to available programs for young children experiencing homelessness often depends on eligibility criteria, funding sufficiency, and available spaces. The number of programs is far below the number of eligible children and often there are waiting lists for available spaces for even the most vulnerable children. Too often, children whose families are experiencing homelessness are unable to take advantage of these limited opportunities.

Parents are key partners in these early learning programs and activities. But when parents are stretched thin with the stress and burdens of being homeless, they need help to navigate the complex system of public pre-k programs. Parents and providers can and should work together to understand what programs and services are available and how to access them so young children experiencing homelessness can enroll, attend, and succeed from the very beginning.

This Tool presents an overview of the law, tries to answer some frequently asked questions and includes **Tool 8(a)**, *A Bill of Rights for Preschoolers Experiencing Homelessness* and Provider Checklist **Tool 8(b)**: *How Providers Can Help Parents of with Preschool Opportunities*.

The Law: The McKinney-Vento Homeless Assistance Act (“McKinney-Vento”) requires states to ensure that children experiencing homelessness have equal access to the same public education programs and services, including public preschool education, as provided to other children. The law clearly recognizes the importance of equal access to high quality public pre-K programs for homeless students. It directs states to use federal McKinney-Vento funds to ensure that pre-K children experiencing homelessness can enroll in, attend and succeed in pre-k programs. The Head Start Improvement Act specifically provides that children who are homeless are *automatically eligible* for Head Start and *must be prioritized* for enrollment.

Young children experiencing homelessness have a right to equal access, but only to the extent pre-K programs are available. Some programs have begun to “save” spaces to better serve young children experiencing homelessness and others have been actively reaching out to help and serve families with young children. But transportation and requirements for enrollment records (immunizations and other documents), among others, continue to be obstacles to pre-k attendance for young homeless children.

Frequently Asked Questions

Can a pre-K program enroll my child even without the required documents?
(Immunization records, birth certificates and proof of residency)

Yes. McKinney-Vento is clear that under no circumstances is the lack of a medical record, immunization or birth certificate to result in preventing a child from immediately enrolling in a pre-k program. However, this “barrier” still exists because pre-k providers are often hesitant to override state and local laws and policies that otherwise require these documents.

Does the pre-k program have to provide transportation to my child?

In some circumstances – yes. The rules for pre-k programs are different from school-age programs that are required to transport homeless students. Pre-k programs have to provide “comparable services.” This means that pre-k programs only have to transport a young child experiencing homelessness if they also provide transportation to the same age non-homeless children.

In Pennsylvania, very rarely do pre-k programs provide transportation for non-homeless children. As a result, young children experiencing homelessness often find lack of transportation to be a major barrier to enrollment in preschool.

Can a pre-k program refuse to enroll a child because a parent does not have a permanent address?

No. A pre-k program cannot discriminate against your child because you are experiencing homelessness. However, because there are often limited spaces available in pre-k programs, young children experiencing homelessness often find these programs full, with a waiting list.

McKinney-Vento requires states and schools (including charter schools) to take significant steps to make sure eligible young homeless children are identified for pre-k programs, enrolled, and provided with the necessary services that will support their educational success. However, with limited programs and funding, this continues to be a challenge for parents, providers, and early childhood pre-k programs.

Do pre-k programs have to give first preference to young children who are homeless?

Not generally – except that Head Start agencies are required to identify young homeless children in their service areas and prioritize their enrollment.

What must school districts and other preschool providers do to serve preschoolers experiencing homelessness?

Schools and providers must have a person called a “liaison” to help families and children experiencing homelessness enroll in Head Start, Early Head Start, and other public preschool programs run with public funding, including Title I preschool programs.

To find the name of the liaison in your school district responsible for pre-k children, contact your McKinney-Vento Regional Coordinator. In Allegheny County, that person can be reached at the Allegheny Intermediate Unit at 412-394-5894.

Who can help a parent learn where a homeless child can attend a pre-k program, and how to enroll?

Central Phone Number: 1-866-214 KIDS (5437). Early Childhood Programs in Allegheny County, including Early Intervention, Head Start and others have developed a “one stop” phone number where parents, providers and others can call to get assistance regarding early childhood programs and services.

Allegheny Intermediate Unit (AIU) hosts the Homeless Children’s Initiative, which now employs a part-time liaison to focus on pre-K programs and young homeless students. 412-394 -5894

Allegheny County Child Care Information Services (CCIS) 412-261-2773

Do children from birth through age 2 who are experiencing homelessness have any rights?

Yes. Additional rights exist for very young children from birth through age 2 who are homeless. Information about the more complicated rights and responsibilities of public agencies for this age group is still being developed, but to learn more about early intervention and other early learning opportunities for young children (birth through age 2) visit Pennsylvania's Office of Children Development (OCDEL) web page at www.dpw.state.pa.us

In Allegheny County, you can also contact:

Alliance for Infants: www.afit.org or 412-885-6000 (to get help and information)
Child Care Information Services 412-261-2273

What can I do if I have disagreements with a preschool program about enrollment or services for my child?

First, discuss the problem with the preschool provider or ask the shelter provider to help you explain what isn't working. If you can't resolve the problem with them, ask to speak to the Regional Homeless Coordinator at the Allegheny Intermediate Unit responsible for preschoolers. Her number is 412-394-5894. She can help you ask for a written explanation, from the preK provider, of the basis for their decision and give you information about how to appeal.

You can also call the State Homeless Coordinator at the PA Department of Education and ask to file a formal written complaint.

For more help and information about how to resolve disputes regarding homeless children, see **Tool 3: Resolving Disputes and Communicating with Schools**

To learn more about Pre-K programs and how to access them for homeless children:

Office of Child Development and Early Learning (OCDEL) <http://www.dpw.state.pa.us>

Allegheny Intermediate Unit www.aiu3.net

Allegheny County Department of Health and Human Services
www.alleghenycounty7/dhs/education

Head Start Policy Clarifications: www.eclkc.ohs.acf.hhs.gov/hslc

National Association for the Education of Homeless Children and Youth
<http://www.naechcy.org>

PA Head Start Association: <http://www.paheadstart.org>

TOOL 8(a)

Bill of Rights for Preschoolers Experiencing Homelessness (Children age 3 to 5*)

If you are a parent of a child who is “pre-school” age (between the ages of 3-5) and are experiencing homelessness, your child has the right to:

- Equal opportunities to enroll, attend, and succeed in publicly funded pre-school programs and not to be discriminated against because they are without a permanent address. (Keep in mind there are limited spaces and waiting lists and that a young homeless child has to be otherwise eligible for the pre-k program.)
- Head Start eligibility with priority. This means that “homeless” status, rather than income, qualifies the child for Head Start. Head Starts must allow families to enroll and attend Head Start programs while required documents (proof of age, residency, and immunizations) are being obtained and cannot delay enrollment waiting for paper work.
- Preschool Early intervention services, if your child has a developmental delay or other disabilities. (Children with developmental delays and other disabilities are entitled to a free appropriate public education, with related services, similar to special education programs offered to school-aged children.)
- Information, resources, and support from the homeless liaison at your local school district, intermediate unit, or other preschool provider to help you understand your rights and the procedures for getting needed services for your child. In Allegheny County, you can call the Homeless Children’s Initiative at the Allegheny Intermediate Unit 412-394-5894 – and they will help you or refer you to someone who can.
- Transportation to and from preschool – if the preschool program also provides transportation to non-homeless students, it must transport children who are homeless on the same basis.

*Additional rights exist for very young children birth through 2 who are homeless. Information about the more complicated rights and responsibilities of public agencies for this age group is still being developed, but to learn more about early intervention and other early learning opportunities for young children (birth through age 2) visit Pennsylvania’s Office of Children Development (OCDEL) web page at www.dpw.state.pa.us

TOOL 8(b)

Provider Checklist How Providers Can Help Parents Access Preschool Opportunities

- Help families to identify themselves as “homeless.” As sensitively and compassionately as possible, help parents document their status as homeless. A letter from a shelter provider stating the parent is staying at the shelter is often enough. Help the parent figure out what programs and services are available and what make sense for their child given the child’s needs and family circumstances, including Head Start, Preschool programs and/or early intervention services.
- Help families with the enrollment process. Explain what is required, help them complete paperwork and gather documentation, as quickly as possible. Help pre-k programs understand the needs and circumstances of the family.
- Learn more about preschool programs in your area, including Head Start, Early Intervention, and other public preschool programs and build collaborations. Begin by setting up a meeting with your school district’s preschool or early childhood office. Discuss providing additional designated slots for homeless children and identifying a liaison to serve as the contact for providers. Request that the school district notify you of any new programs.
- Help parents focus on the social, emotional and developmental progress of their children. For young children ages 0-5 years the “Ages and Stages” curriculum can be used. A series of questionnaires are available at <http://www.pdf4me.net/pdf-data/asq-3-4-year-questionnaire.php>.
- Build collaborative relationships with pre-k providers in your area. Help coordinate programs and activities that promote enrollment and stability in pre-k programs for families experiencing homelessness. Work creatively and flexibly with local pre-k programs to help young children get the early learning opportunities they need to be successful in school.
- Keep a resource file with the names and contact information of agencies and programs in your area that serve young children.

TOOL 9

Meeting the Educational Needs of Unaccompanied Youth

The Challenge: For many unaccompanied youth, school may be their only safe and stable environment. For others, school is an unfamiliar place where they disengaged some time ago and now need help to re-engage. The absence of a parent, guardian, or other committed adult to advocate on their behalf often results in school interruptions and delays for unaccompanied youth. As a result, unaccompanied youth face unique barriers to enrolling and succeeding in school.

Sometimes, these youth are denied enrollment and remain out of school because they lack the knowledge or ability to challenge a school's response. Unaccompanied youth often lack necessary credits to enroll in a particular grade or program and don't know how to make up lost credits or how to calculate credits earned in different residential or other school settings. They seldom have a plan for life after graduation. Some students may also have special education needs, but lack an active, involved parent to represent their interests in that process. These issues are often exacerbated by a youth's reluctance to ask for help.

Tool 9 provides general information and resources for unaccompanied youth experiencing homelessness. The challenges for this population are great, as are the stakes. We have presented some information here and referenced additional resources available in Allegheny County and across the State. We acknowledge that there are issues that remain unaddressed in this Toolkit. We anticipate the need to create a follow up Toolkit written specifically for unaccompanied youth.

Who Are Unaccompanied Youth and what issues do they face?

Over half of these youth report being physically abused at home and over one-third report sexual abuse. Over two-thirds report that at least one of their parents abuses drugs or alcohol. For many of them, leaving home is a survival issue. Some youth may have been thrown out of their homes because they are pregnant, gay or lesbian, or because their parents believe they are old enough to be on their own. Over half of youth living in shelters report that their parents either told them to leave or knew they were leaving and did not care. Once out of their home, unaccompanied youth are frequently victimized. As many as half have been assaulted or robbed; and one in ten runaways reports being raped.

The Law: Under the McKinney-Vento Act, an “unaccompanied youth” is a child who lacks a fixed, permanent home and is not in the physical custody of a parent or guardian. A youth may have run away from home or been forced to leave by a parent. Unaccompanied youth live in a variety of temporary situations -- including shelters, “couch surfing” among the homes of friends or relatives, or living in cars, public parks, bus, or train stations.

McKinney-Vento state plans must describe how homeless youth separated from the public schools will be identified and accorded “equal access” to appropriate secondary education and support services. McKinney-Vento sub-grants can be used for services and assistance to attract, engage, and retain unaccompanied youth in public school programs and services. **Unaccompanied youth have the same rights as other students experiencing homelessness** including the right to remain in their school of origin (to the extent feasible); be transported to and from the school of origin and immediately enroll in a new school with equal access to programs and services such as gifted and talented education, special education, vocational programs and English Language Learner services.

Unaccompanied youth have some additional protections. School personnel must be made aware of the specific needs of runaway and homeless youth and try to address them. A school district must coordinate with the provision of services from local social services agencies and other agencies or programs providing services to homeless children and their families, such as referrals to health, mental health, dental, and other appropriated services to minimize educational disruption for youth who become homeless. In addition, a school’s homeless education liaison must provide additional assistance to unaccompanied youth to help them enroll in school and access and navigate the dispute resolution system.

TOOL 9(a)

Homeless Student's Bill of Rights A Guide for Unaccompanied Youth

If you are living on your own without the support of a parent or guardian, you have certain educational rights under a law called the "**McKinney-Vento Act**." This law recognizes that you may be on your own for many reasons – because you were kicked out of your home or ran away and that may be staying with friends, couch surfing each night or just on your own with the support of an adult.

YOU have the **right** to:

- **Stay in the same school** even if you move around. You can stay in the school you currently attend or the school you went to before being out on your own.
- **Transportation.** This will be provided either by your old school district or the school district where you are now living. This is arranged by your current school and costs must be shared if the school districts cannot agree about who pays.
- **If you think that staying in the same school is not in your best interest**, you can **enroll immediately in a new school where you live**, even without records that school districts normally require (such as proof of residency, immunizations or birth certificate). The new school district will help you assemble enrollment records to be submitted later, pay fees to obtain a copy of a birth certificate etc.
- You have a right to **Title I services**, that is services to support **extra instruction** in reading and math, as well as after-school, and summer programs to extend and reinforce the regular school curriculum. These funds can also be used to provide **school supplies, uniforms, SAT testing fees etc.** (*See Tool 5: Getting Extra for a Child in School: Title I and More* for a more complete list of Title I supports and other services.)
- **Equal opportunities to enroll, attend, and succeed** in school and not to be discriminated against because you currently lack a permanent address.

Why is school stability important? – The right to stay in the same school is important because research shows that staying in the same school goes a long way to supporting **your success in school.**

- **Get help enrolling and succeeding in school from the school district's homeless education liaison (also called a "McKinney-Vento Liaison").** Liaisons have a special duty to help youth who are living on their own get enrolled in school right away and get the services, supplies and information they need in school. This person will also help you understand your rights and the procedures for getting needed services. He can help fill out enrollment forms, and help you to complete college loan applications etc. Support is also available from your Allegheny County Homeless Regional Coordinator.
- **Special education services.** Tell the homeless education liaison if you have IEP or think you may need to be evaluated for services. You can talk to your teacher about questions or concerns you have regarding your IEP.
- **Accommodations in school,** if you have a disability or medical condition such as asthma or diabetes. Talk to your homeless education liaison or school guidance counselor about your need for changes in your class schedule, access to an elevator and other needs you may have.
- **If a school district tells you cannot attend a certain school, you have the right to:**
 - **Continued and uninterrupted enrollment** in the chosen school until the dispute is completely resolved;
 - **a written explanation** of why you cannot attend the school from the school district;
 - **A chance to discuss the problem** with the school district's McKinney-Vento Homeless Liaison who can try to settle the dispute quickly;
 - **Appeal the school district's decision** to the Regional Coordinator and State Homeless Coordinator and then to federal court.
- **Title I services** including tutoring and remedial help, SAT testing fees, school supplies, before- and after-school programs and free and reduced meals
- **Be treated in the same way as other students** including accessing the full range of services available to students, such as special academic programs, career and technology programs, AP classes, services for English language learners, credit recovery programs and special education.

If you have problems enrolling in school, getting transportation or accessing school services, you can get help by contacting the school district homeless liaison where you are actually living.

The Regional Homeless Coordinator at the Allegheny Intermediate Unit 412-394-5705 or contact the Education Law Center at 412-258-2120, for help and information.

Frequently Asked Questions

1. *How do I know if I am an “unaccompanied youth”?*

You are an unaccompanied youth if you don't have any permanent place to sleep at night. For example, you may be “couch surfing” or living doubled up with friends. The law says that if you do not have a “fixed” place to sleep and do not have the support of a parent you are an unaccompanied youth regardless of the reasons this happened such as running away from home.

2. *Is there anything that the school district cannot ask me to give them?*

Yes. School districts can never ask for your social security number or card or any immigration papers or for your medical records which are confidential.

3. *If I am under 21 and have a passed the GED Tests, can I still enroll in school and work towards my diploma?*

Yes, unless you are currently expelled from the school district in which you are trying to enroll.

4. *If I am homeless, can the school district ask me to prove that I live in the school district?*

No.

5. *If I was in a discipline alternative school in another school district and now I want to enroll in a regular school, can the school district automatically place me in a special discipline school?*

No, not unless you are currently expelled from your old school district for a weapons offense.

6. *Am I “too old” to be in school if I am 19 or 20 years old?*

No. You have a legal right to go to school in Pennsylvania until the end of the school term in which you have your 21st birthday or until you graduate with a regular high school diploma (whichever comes first).

7. Can I enroll myself in school if I am living on my own but am no longer homeless?

Yes. If you NOT homeless but still living on your own you can enroll yourself in school as an “emancipated minor.” That means you are either (1) living with your husband or wife, or (2) are self-supporting and living without help from an adult. To enroll this way you may need to fill out a document the school will provide explaining that you support yourself financially and live on your own.

8. What do I have to do to enroll as an emancipated minor?

If you have housing and enroll as an emancipated minor you will need to provide the usual enrollment documents: (1) proof of age, (2) proof of immunizations (3) proof of residency and (4) an Act 26 Statement (also called a Parent Registration form) concerning your school discipline record. Here are some examples of things you can give the school district to show that you live there: a lease, gas or electric bills, car registration, a statement by you signed in front of a notary that says where you live.

TOOL 9(b)

Checklist for Providers Working with Unaccompanied Youth

- Work with school districts to assist them in developing non-stigmatizing forms and policies to identify and support unaccompanied youth in school. Such forms could merely ask “Are you living on your own without the support of a parent or other adult?”
- Talk to school districts about issues related to a youth’s attendance and credit accrual. Have a meeting with the school to develop a “Graduation Plan” plan for how the youth will stay on track to graduate or “Transition Plan” to prepare for life after high school. Ensure that a new school recognizes all partial and full credits earned and that a youth can access credit recovery programs when needed.
- Support a youth’s engagement in school by talking to the school about the youth’s interests, favorite subjects and participating in, extracurricular activities such as sports, and other programs that will keep the youth engaged in school.
- Talk to the school about ensuring access to a full range of learning opportunities including vocational education, credit-for-work programs, and flexible school hours if in the best interest of the youth. Also talk to school about any other educational needs the youth may have such as: English Language Learner programs, need for school-based counseling, and remedial help in school.
- If a child with special education needs lacks an active involved decision maker, help to identify a “surrogate parent” the school could appoint to represent the unaccompanied youth in the special education process and advocate for their educational needs.

Remember: Under the IDEA, a school district must appoint a surrogate parent for an unaccompanied youth. Alternatively, a surrogate parent may be appointed by a court. This person may be a relative or someone who knows the child, a court advocate or former foster parent. It cannot be someone involved in care or education of the child such as a teacher or current case worker.

- Advocate on behalf of a youth who is facing suspension, expulsion, or transfer to an alternative education program for disruptive youth for the youth to not be excluded from the regular school.
- Ensure that if a youth has been expelled (out of school for over ten days) and is of compulsory school age (ages 8-17 years old) the school is “making provision” for the youth to be educated in some way.
- Ensure that a youth has a mentor – a teacher, coach, school counselor, or social worker at school to provide a safe haven for them while in school and ensure access to school-based services as needed.
- Provide a verification letter to support a youth’s eligibility for financial aid when applying to college. (See sample letter at **Tool 9(c)**).

How Can A Provider Assist an Unaccompanied Youth with Non-Educational Needs?

- Contact social service agencies and gather information, pamphlets, and applications concerning valuable services such as food stamps. Make such materials available to identified unaccompanied youth and work with them to complete forms.
- Coordinate with relevant social service and medical agencies to facilitate an unaccompanied youth's access to services and treatment.
- Develop a list of referrals that includes shelters, youth hotlines, and other youth services providers.

Helping A Youth Apply for Services:

Food Stamps: An unaccompanied youth may apply for and receive food stamps without any age restrictions.

Supplemental Security Income: If an unaccompanied youth is under 18 and meets the disability requirements of the federal government, then he should be able to receive SSI. If he is under 22, meets the disability requirements, and is attending school, he also should be able to receive SSI benefits. If a youth is not living at home, his parents' income should not be deemed against him for purposes of SSI eligibility.

TANF: Pennsylvania, like most states, does not consider an unaccompanied youth to constitute a "family" in order to receive TANF. However, under Pennsylvania law, a minor **parent** may be exempt from the residency requirement if the minor parent "present[s] documentation ...[t]hat all other potential living arrangements have been explored, and that either no parent or other adult relative is able or willing to assume parental control or the minor parent does not have a living parent or other adult relative or no parent or other adult relative will allow the minor parent to live in the common residence; or the physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided with the parent or adult relative. The state may grant additional exceptions as "necessary to protect the health and safety of the minor parent and dependent child."

TOOL 9(c) Sample Verification of Living Situation Letter

To Whom It May Concern:

I write this letter regarding the college application of:

Name of Student: _____

DOB: _____

SSN or ID Number: _____

I am providing this letter of verification in my capacity as a director or designee of a (HUD-funded or RHYA if applicable) shelter OR a McKinney-Vento School District Liaison.

As per the College Cost Reduction and Access Act (Public Law 110-84), as a result of my status I am authorized to verify this student’s living situation. No further verification by the Financial Aid Administrator is necessary. Should you have additional questions or need more information about this student, please contact me at the number listed below

This letter is to confirm that the above-named student was (select one):

___ an unaccompanied homeless youth after July 1, 2008.

(After July 1, 2008, the above named student was living in a homeless situation, as defined by Section 725 of the McKinney-Vento Act, and was not in the physical custody of a parent or guardian.

___ an unaccompanied, self-supporting youth at risk of homelessness after July 1, 2008.

(After July 1, 2008, the above named student was not in the physical custody of a parent or guardian, provides for his/her own living expenses entirely on his/her own, and is at risk of losing his/her housing.

Please contact me with any questions you may have concerning this student’s status and eligibility for financial aid.

Sincerely,

Title

Address

Phone number

TOOL 9(d)

A Checklist for an Unaccompanied Youth

What questions should I ask when I enroll in school?

- Who is my local homeless education liaison? How can I contact him or her?
- What transportation will be provided to me to continue to stay in the same school (the school of origin)?
- If I change schools, who can help me transfer records quickly?
- How can I receive free meals at school?
- How can I receive free school supplies, SAT testing fees etc. if needed?
- Who can I talk to if I need special education services? How quickly can these services be set up?
- What academic help is available for me, such as Title I Programs, after-school tutoring or access to credit recovery programs?
- Who can help me to make sure I will have enough credits to graduate?
- Are there sports, music, or other activities I can participate in?
- How can I go on class field trips or participate in other school activities if I can't pay for them?

What can I do to succeed in school?

- Go to school every day, get enough rest, and eat breakfast even if you don't feel like it.
- Find a quiet place to do homework and be organized. Remember to write you're assignments each day and make time every day to get it done. Create a plan to prepare for the next day.
- Pay attention to health needs and take care of problems early. Stay healthy. If you need food stamps you ARE eligible to apply.
- Go over what you learned in class and talk to other students or friends about what you are doing in school. If you can explain things to them and they understand it, you are learning it.
- Read a book or article every day and talk to other people about what you read.
- Set goals for yourself. Write them down. Praise yourself when things go well and encourage yourself when you need it. Be a friend to yourself.
- Plan for your transition and future AFTER graduation – whether it is college, vocational school, etc. A sample letter to support your application a college loan is attached as **Tool 9(c)** and can be completed by someone who knows your situation.
- Think about playing on a school sports team, playing an instrument or joining a club or activity. Try it and see where it leads.
- Talk to others about problems you are having in school or with a teacher or student. You can also talk to a guidance counselor at school. Remember: no one can handle everything on their own. Get help and support whenever you need it.

TOOL 10

What Providers and Parents Can Do To Ensure School Success

The best thing providers and parents can do to improve educational outcomes for children and youth experiencing homelessness is to communicate with each other and with school districts to identify and address the educational needs of each child on an individualized basis.

Parents and providers need to work together to:

- Ensure continued attendance in the same school or immediate enrollment in a new school;
- Support and encourage children and parents to make school success a true priority, and
- Help youth envision and plan for a future beyond secondary school.

To achieve these goals, parents and providers must work to help students be prepared for school, arrive on time and attend regularly. Parents and providers can also work together to help identify a child's unique educational needs and work with schools to address the child's needs.

These tasks involve learning about and utilizing the array of services available in schools to support school success from enrolling in preschool programs to obtaining remedial support and counseling, and addressing a child's needs with regard to special education, ELL needs, behavioral needs and school discipline.

This Tool and the entire Toolkit are designed to help parents and providers by compiling the tools necessary to facilitate and support the vital and ongoing collaboration between parents and shelter providers and with schools to promote school success one child at a time.

What Providers Can Do To Ensure School Success

- 1. Ensure school stability for a child whenever feasible.** Try to keep the child/youth at the same school he or she attended before becoming homeless unless this is NOT in the child's best interest. Use **Tool 2(a): "Key Questions to Consider"** to guide the discussion with the family.
- 2. Contact and collaborate with the school district's homeless education liaison.** Every school district must have a designated homeless education or McKinney-Vento liaison. This person will address school enrollment issues and disputes and help the family access needed services in school. Through an ongoing collaboration with this individual, providers can advocate for the needs of an individual student and develop systemic ways of addressing common problems such as promptly securing transportation and ensuring that all credits earned are recognized and accepted. Contact information for School District Homeless Liaisons and Regional and Site Coordinators can also be obtained at <http://homeless.center-school.org/index.cfm?pageid=2895>.

- 3. When a child is entering a new school, talk to the school about making the child feel welcome and connected.** Talk to the new school's guidance counselor about the following:

New School Checklist for Providers:

- Request a tour of the new school for the student and family.
- Request that a student be assigned to have a "buddy" on the 1st day of class.
- Request any school supplies the child needs.
- Review the child's class schedule with the student and family to ensure that the child is assigned to appropriate classes.
- Ensure that a child who is learning English as a second language completes a home language survey and will receive ESL classes. (See **Tool 4(b)** regarding *English Language Learners*.)
- Ensure that the child's special education needs or need for accommodations in school are addressed in the new school. See **Tool 6: Meeting the Educational Needs of Homeless Children with Disabilities**
- Work with the student, family, and guidance counselor to develop an education/graduation plan. Ensure that the new school recognizes all partial and full credits earned.
- Ask about remedial classes and on-site tutoring programs if the child needs remedial help. See **Tool 5: Getting Extra Help for A Child: Title I and More**.
- Ensure that the child can participate in all educational and non-educational opportunities.
- Ensure that the child has transportation from after-school activities.

- 4. Talk to schools about issues relating to a child's attendance and credit accrual.** Have a meeting with the school to develop a plan for how the youth will stay on track to graduate including addressing issues of past attendance (truancy), number of full and partial credits earned, accessing credit recovery programs and graduation requirements.

Regarding Credits: A recent change in Pennsylvania regulations allows a school district superintendent to request that the PA Secretary of Education waive one or more of the state's graduation requirements "to accommodate students who experience extenuating circumstances."

Waivers may be granted *on a case-by-case basis for good cause* based upon receipt of a written request from the chief school administrator. Extenuating circumstances include serious illness, death in immediate family, family emergency, frequent transfers in schools, or transfer from an out-of-State school in 12th grade. 22 PA Code § 4.24(j)].

5. **Support a youth's engagement in school** by talking to the school about the youth's interests, favorite subjects, or extracurricular activities such as sports as well as other programs that will keep the youth engaged in school.
6. **Ensure access to a full range of learning opportunities** including vocational education, credit-for-work programs, and flexible school hours if in the best interest of the youth. Also talk to school about any other educational needs the youth may have including English Language Learner needs, need for school-based counseling and remedial help.
7. **Ensure that a child's special education needs are being met.**
 - First, ensure that a child with special education needs has an active involved decision maker (parent, guardian, a person acting as a parent in place of a parent or surrogate parent).
 - Second, ensure that a new school is following the child's old IEP and that a new IEP is developed in a timely manner.
 - Third, participate in IEP meetings to assist the family in advocating for their child.
 - Fourth, ensure that a child is reevaluated whenever necessary, that the current IEP addresses the child needs – including any behavioral issues and that a child is making progress in school. For more information, see **Tool 6: Meeting the Special Needs of Homeless Children with Disabilities**
8. **Advocate on behalf of a youth who is facing suspension, expulsion or transfer to an alternative education program for disruptive youth to stay in the regular school.** Ensure that if a youth has been expelled (out of school for over ten days) and is of compulsory school age (ages 8-17 years old) the school is "making provision" for the youth to be educated in some way.
9. **Ensure that a youth has a mentor** – a teacher, coach, school counselor, or social worker at school to provide a safe haven for them while in school and ensure access to school-based services as needed.
10. **Help a youth to develop a transition plan** regarding what they will do after attending or graduating from high school. Provide a verification letter to support a youth's eligibility for financial aid when applying to college.

Ten Things Parents Can Do To Ensure School Success

1. Make sure your child goes to school **every day** and that your child is well rested and has breakfast. Make sure your child always gets to school ON TIME! Kids miss a great deal if they are late.
2. Thoughtfully consider whether your child should stay in the same school or should go to a new school. Use **Tool 2: Choosing A School, Enrolling in School and Solving the Transportation Puzzle**—to think through what is in your child’s best interest.
3. Identify your child’s specific educational needs using **Tool 4: Education Screen**. Tell the school about specific needs your child has and ask what resources are available in school to address those issues. If your child has special education needs, carefully review your child’s most recent IEP and recommend changes to the IEP that you believe may help your child to make more significant progress in school. For help see **Tool 6: Meeting the Needs of Homeless Children with Disabilities**. For information on ELL issues go to **Tool 4(b) Meeting the Educational Needs of English Language Learners**.
4. Pay attention to your child’s health needs and take care of problems early. Talk to your child’s school about health issues or medical conditions that require accommodations in school. Work with the school to develop a 504 Plan or Service Agreement.
5. Talk to your child’s school about what extra academic help or special programs are available to help your child in school. Talk to your provider about programs that may be available after school or on Saturdays at the shelter or in the community. For additional information see **Tool 5: Getting Extra Help for A Child: Title I and More**.
6. Encourage your child to talk to a guidance counselor or teacher if she is having any social problems in school. Address potential school discipline issues before they begin. For more information on school discipline, go to **Tool 7: Helping a Child Handle Discipline Problems**.
7. Plan for the future. Talk to your youth about a plan for graduating on time and developing a transition plan for what your child will do after graduation.
8. Ask your school about a mentor program. Having an adult role model can make a huge difference in the life of a child or young adult.
9. Attend all school meetings and hearings and have an ongoing dialogue with your child’s school about what YOU can do to help your child be successful.
10. Find a quiet place for your child to do homework. Set aside time to help your child with homework daily. Ask your child what he is learning in school and ask him to explain it to you. Listen and ask questions. If you show an interest in your child’s education, he will know that it’s important.

Read to your child every day. For older children, set aside time each day for to read together silently. Talk about what you read. Praise your child for what he or she is doing well, like getting a good grade, participation in school programs, or for being thoughtful or considerate of other students.

RESOURCES

Pennsylvania Department of Education Basic Education Circular Education for Homeless Youth 42 USCA § 11431 et seq.

DATE OF ISSUE: February 3, 2010

DATE OF EXPIRATION: June 30, 2012

REPLACES: Education of Homeless Youth, BEC 42 U.S.C. §11431, issued February, 2005

In 1987, Congress passed the Stewart B. McKinney Homeless Assistance Act, (subsequently renamed the McKinney-Vento Homeless Assistance Act) to aid homeless persons. The Act defines the term "homeless children and youths" as individuals who lack a fixed, regular, and adequate nighttime residence. The Act explicitly includes within the definition of "homeless children and youths" those who are "awaiting foster care placement."

This BEC explains the categories of children who are "homeless" and entitled to the protections of the federal law. These categories include:

1. 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;
2. 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;
3. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
4. "migratory children" who qualify as homeless under federal law because the children are living in circumstances described in clauses (i) through (iii) above. The term "migratory children" means children who are (or whose parent(s) or spouse(s) are) migratory agricultural workers, including migratory dairy workers, or migratory fishermen, and who have moved from one school district to another in the preceding 36 months, in order to obtain (or accompany such parents or spouses in order to obtain) temporary or seasonal employment in agricultural or fishing work.

5. children and youths "awaiting foster care placement," including those who live in shelters or are placed in emergency, interim or respite foster care; kinship care; evaluation or diagnostic centers or placements for the sole purpose of evaluation. Local school officials should consult with their county children and youth agencies whenever necessary to determine if a case-by-case basis, whether a child who does not clearly fall into one of these categories is nevertheless a child "awaiting foster care placement."

"Unaccompanied homeless youth" including any child who is "not in the physical custody of a parent or guardian." This includes youth who have run away from home, been thrown out of their home, been abandoned by parents or guardians, or separated from their parents for any other reason. (consistent spacing needed between item number and text)

Under the *Pennsylvania Education for Homeless Children and Youth State Plan*, homeless children are defined as:

Children living with a parent in a domestic violence shelter; runaway children and children and youth who have been abandoned or forced out of their home by parents or other caretakers; and school-aged parents living in houses for school-aged parents if they have no other available living accommodations.

The McKinney-Vento Act states that it is the policy of Congress that state educational agencies shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths. 42 USCA § 11431. Specifically, 42 USCA § 11432(g)(3)(A) indicates that the local educational agency shall according to the child's best interest:

(i) continue the child's or youth's education in the school of origin for the duration of homelessness (l) in any case in which a family becomes homeless between academic years or during an academic year;

OR

(ii) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or (ii) 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.

According to the McKinney-Vento Act the term "school of origin" means the school the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled. 42 USCA § 11432(g)(3)(G).

Homeless Students Residing in Shelters, Facilities or Institution

Section 1306 of the Pennsylvania Public School Code (24 P.S. §13-1306) deals with the public school admission of non-resident students living in shelters, facilities or institutions. Implementing regulations for Section 1306 are found in Section 11.18 of the State Board of Education regulations. 22 Pa. Code § 11.18 Subsection (a) of Section 11.18 addresses the public school admission of nonresident children who live in an institution, shelter, or custodial care facility:

The Board of school directors of a school district in which there is located an agency, supervised or licensed shelter, group home, maternity home, residence, facility, orphanage or other institution for care or training of children or adolescents, shall admit to the district's public schools school age children who are living at or assigned to the facility or institution and who are residents of the district or another district in this Commonwealth.

22 Pa. Code § 11.18

Section 11.18, as it applies to homeless children and youth, includes within the definition of "supervised or licensed shelters" those facilities which provide temporary shelter for a specified, limited period of time. Therefore, children in temporary shelters and children who "lack a fixed, regular, adequate night time residence" – homeless children – are entitled to free school privileges from either the school district in which their person or the shelter is located or the school district of origin.

Homeless Students Not Residing in a Shelter, Facility or Institution

Homeless students may reside in hotels, motels, cars, tents or temporarily doubled-up with a resident family because of lack of housing. In determining residence and in the case of homeless children, equating "residence" and "domicile" (home) does not apply. They are presently unable to establish "homes" on a permanent basis. **Homeless families are not required to prove residency regarding school enrollment.** These students should be enrolled without delay, in the district where they are presently residing, or continue their education in the district of prior attendance.

Children experiencing homelessness are often highly mobile and may not stay in the same school district each night or each week. This is particularly true regarding children who stay overnight in vehicles, those who stay with different family members or friends, or those who receive services from agencies, organizations or networks which facilitate overnight accommodations in multiple school districts. These children should not be forced to change school districts every time their overnight accommodations change. Rather, these children are entitled to attend school in any school district where a parent, guardian, an adult caring for them, or where an unaccompanied child:

- spends the greatest percentage of his or her time **or**
- has a substantial connection such as where he or she is (1) regularly receiving day shelter or other services involving any of the sixteen McKinney Vento Activities⁴ for individuals who are homeless, (2) conducting daily living activities, or (3) staying overnight on a recurring basis.

This policy helps maintain continuity and school stability for homeless children in compliance with the McKinney-Vento Act.

The child/youth shall continue to be enrolled in the school in which he or she is seeking enrollment until the complaint/appeal is fully resolved by a McKinney-Vento Coordinator, State Coordinator, through mediation, or in court.

School Placement

The McKinney-Vento Act states, "local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for homeless children and youth." This person has the following responsibilities:

1. Identify homeless children and youth with assistance by school personnel and through coordination activities with other entities and agencies;
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 the educational rights of homeless students where children and youth receive services under the Act (such as schools, family shelters, and food pantries);
4. Mediate enrollment disputes in accordance with the Enrollment Dispute section;

⁴ 42 U.S.C. 11433(d)

5. Inform the parent/guardian of a homeless child or youth, and any unaccompanied youth, of all transportation options, including to the school of origin, and assist in accessing these transportation services;
6. Liaisons are required to ensure that unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement;
7. Liaisons are required to assist children and youth who do not have immunizations, or immunization or medical records, to obtain necessary immunizations, or immunization or medical records;
8. Understand the Pennsylvania Department of Education guidance issued for the education of homeless students and be ready to explain the Basic Education Circular related to homeless education to school district staff;
9. Get to know the best resources in your community to assist families with referrals for things such as shelter, counseling, food, and transportation;
10. Distribute information on the subject of homeless students and arrange staff development workshops and presentations for school personnel, including office staff;
11. Provide standard forms and information about enrollment procedures and key school programs to each shelter in your district;
12. Become familiar with the various program materials that are available from the Pennsylvania Department of Education.
13. Liaisons must collaborate with the school district special education program to ensure that homeless children who are in need of special education and related services are located, identified, and evaluated. This is a requirement under the Individual with Disabilities Education Act, which mandates that highly mobile children with disabilities, including homeless children, be identified and served. Liaisons should also ensure that homeless youth who have or may have disabilities have a parent or surrogate parent to make special education or early intervention decisions. In the case of unaccompanied homeless youth, if a student is disabled or may be disabled and the youth does not have a person authorized to make special education decisions, the following people can be temporary surrogate parents: staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs, and state, local educational agency or child welfare agency staff involved in the education or care of the child. This rule applies only to unaccompanied homeless youth.

14. Liaisons should also identify preschool-aged homeless children by working closely with shelters and social service agencies in their area. In addition, the liaison should inquire, at the time they are enrolling homeless children and youth in school, whether the family has preschool-aged children.
15. Liaisons can identify unaccompanied homeless youth while respecting their privacy and dignity by providing specific outreach to areas where eligible students who are out of school may congregate.

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, the local educational agency shall comply, to the extent feasible, 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 youth should have access to education and other services that they need to ensure that such children and youth have an opportunity to meet the same challenging state student performance standards to which all students are held.

Best Interest. –In determining the best interest of the child or youth under McKinney-Vento Act, the LEA shall:

- (i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;
- (ii) provide a written explanation, including a statement regarding the right to appeal, to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and
- (iii) in the case of an unaccompanied youth, ensure that the homeless liaison assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.

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

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

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

School/Health Records

The educating district should immediately enroll and begin to provide instruction. The receiving school district may contact the district of origin for oral confirmation that the child has been immunized. Oral confirmation between professionals is a sufficient basis to verify immunization with written confirmation to follow within 30 days. The instructional program should begin as soon as possible after the enrollment process is initiated and should not be delayed until the procedure is completed.

According to federal law, "(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D)." 42 USCA §11432(g)(c)(iii).

Title I

Title I of the Elementary and Secondary Education Act I (Reauthorized January 2002) mandates that funds be reserved to serve homeless children. Title I states, "A local educational agency shall reserve such funds as are necessary . . .to provide services comparable to those provided to children in schools funded under this part to serve—"(A) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live. . . ." Title I also indicates that homeless children are eligible for services if they are attending schools served by an LEA.

Transportation

The State and its 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. Distance, time of year, options available, the effects of a transfer, etc., should all be addressed.

Fiscal Responsibilities

Fiscal responsibilities apply to all homeless students, whether in regular or special education classes.

The educating district should apply the following criteria when determining fiscal responsibility:

- A. The procedures outlined below will be followed in cases when the education of the child is provided by the district where the homeless student is temporarily living (doubled up, motel, shelter). The procedures shall also apply in cases when the district of prior attendance, where that is not the district the child attended when permanently housed, will educate the child.
 1. Homeless individuals not in facilities (shelters) or institutions, as well as homeless individuals living in hotels, motels, cars, tents, doubled-up with a resident family, shall be reported and reimbursed as resident students;
 2. For homeless individuals in temporary shelters, the educating school district will send a PDE-4605 Determination of District of Residence for Student in Facilities or Institutions in Accordance with Section 1306 of the Pennsylvania Public School Code to the presumed district of residence.
 3. If PDE-4605 is acknowledged by the resident district, the educating district will enter the child on its rolls as a nonresident student from the acknowledging resident school district. The educating district will bill the resident district for tuition and will report membership data according to PDE child accounting procedures; and

4. If PDE-4605 is disclaimed and a district of residence cannot be determined, the child will be considered a ward of the state. The educating district will enter the child on its rolls as a nonresident ward of the state and will report membership according to PDE child accounting procedures. The Department of Education will pay tuition to the educating district based on membership reported to Child Accounting.
5. In cases when the education of the child is provided by the district of origin, where that is the district the child attended when permanently housed, that district will continue to educate a homeless student for the period of temporary displacement and should maintain the homeless student on its roll as a resident student.
6. In cases when the student becomes permanently housed during the academic year and continues in the school of origin, which is not in the district of new residence, the educating district will continue to educate the formerly homeless student, if requested by the student's parent or guardian, until the end of the academic year and should maintain the homeless student on its roll as a non-resident student. The educating district should advise the new district of residence of its financial responsibility for this student and send a tuition bill.

Categorical Eligibility for Migrant, Homeless, and Runaway Children Under the National School Lunch and Breakfast Programs

Effective July 1, 2004, Section 107 of the Child Nutrition and WIS Reauthorization Act of 2004 amended Section 9(b) of the Richard B. Russell National School Lunch Act to make runaway, homeless and migrant children categorically eligible for free meal benefits under the National School Lunch and School Breakfast Programs. Following are the guidelines set out by the Pennsylvania Department of Education for implementation of this amendment.

Documentation and Procedures

1. Homeless, runaway or migratory children are automatically certified as eligible for free meal benefits and can begin receiving free meal benefits upon proper documentation for meals. Please note that documentation as runaway, homeless, or migratory can only be provided by Migrant Education or Homeless staff.
2. Migrant Education or Homeless staffs are responsible for providing proper documentation of a child's status to the Food Service Directors in each school district.

Dispute Resolution Process

Pursuant to the McKinney-Vento Act, every state must develop procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth. 42 USCA §11432(g)(1)(C). The state must ensure that LEAs comply with requirements set forth in the McKinney-Vento Act, including ensuring immediate enrollment, providing written notice to families concerning school selection and enrollment decisions, and providing enrollment and pendency in the school of choice while a dispute is being resolved. 42 USCA §11432(g)(2)(A).

The Pennsylvania Department of Education (“PDE”) has developed the following procedures to govern the resolution of disputes regarding enrollment, school selection, homeless status, or complaints of non-compliance with legal requirements pertaining to the education for homeless children and youth:

Level 1 – A dispute may be raised with a Local Education Agency (“LEA”)

If a dispute arises over school selection or enrollment, the child or youth involved must immediately be admitted to the school in which he/she is seeking enrollment, pending resolution of the dispute. 42 USCA §11432(g)(3)(E)(i). PDE recommends that the parent/guardian or unaccompanied youth who initiates the dispute should contact the LEA Liaison for individuals experiencing homelessness (the “LEA Liaison”) as soon as possible after receiving notice of the dispute. If the person initiating the dispute does not contact the LEA Liaison directly, the LEA shall be responsible for contacting the LEA Liaison regarding the dispute as soon as possible and referring the family or youth involved to the Liaison.

The LEA Liaison shall ensure that the child/youth is immediately enrolled, explain the dispute resolution process to families, and help them to use it. 42 USCA §11432(g)(3)(E)(iii). The LEA shall issue a written disposition of the dispute within 20 business days after the date on which the LEA Liaison is notified of the dispute. The disposition shall be provided to the parent, guardian or unaccompanied youth, shall explain the basis for the decision, and advise the parent, guardian or youth of the right to appeal. 42 USCA §11432(g)(3)(E)(i).

NOTE: The LEA should use and maintain copies of PDE’s “Notice of Procedural Safeguards” form (see attached) 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.

Level 2 – A complaint may be filed with a McKinney-Vento Coordinator

If the parent or unaccompanied youth is dissatisfied with the LEA's disposition of a dispute or would like to raise any issue of McKinney-Vento Act non-compliance, he or she may file a complaint/appeal with a McKinney-Vento Site or Regional Coordinator or with the State Coordinator. (See attached list which contains contact information for all of the McKinney-Vento coordinators in Pennsylvania). In lieu of filing an appeal with a McKinney-Vento Coordinator, a parent or unaccompanied youth may elect to appeal the LEA decision directly to a court of competent jurisdiction. Participation in the appeal procedure is not required prior to taking legal action.

A Regional or Site Coordinator with whom a complaint/appeal is filed must notify the State Coordinator immediately. Upon being notified, the State Coordinator will review the complaint/appeal and assign it to a Site or Regional coordinator for disposition. The coordinator to whom the appeal is assigned may contact, interview and accept documentation from any families/unaccompanied youth or LEAs involved, and shall issue a written disposition within 20 business days after the complaint/appeal has been assigned. The disposition shall be provided to the LEA and the family or child/youth involved. The child/youth shall continue to be enrolled in the school in which he or she is seeking enrollment until the complaint/appeal is resolved or until a disposition from a McKinney-Vento Coordinator is received.

The State Coordinator may assist in the mediation of disputes directly and may also invite those involved to have the dispute mediated **at any time in the process** through the Dispute Resolution Program operated by the Commonwealth Office of General Counsel ("OGC"). The OGC Dispute Resolution Program is a voluntary informal process through which a trained mediator assists in reaching a mutually acceptable resolution.⁵ Participating in mediation is not a waiver of the right to file a lawsuit nor is participation in mediation required prior to taking legal action.

NOTE: The parent, guardian or unaccompanied youth may file a complaint with the McKinney-Vento Site, Regional or State Coordinator on the attached Complaint form. However, **use of the attached form is not mandatory.** Any dispute raised by a homeless family or youth concerning school enrollment or any other right under the McKinney-Vento Act whether received via telephone, letter or any mode of communication shall be treated as a complaint.

⁵ For more information about OGC's Dispute Resolution Program go to: http://www.ogc.state.pa.us/portal/server.pt/community/dispute_resolution/4415.

REFERENCES:

Purdon's Statutes, State Board of Education Regulation

24 P.S. § 13-1301

24 P.S. § 13-1302

24 P.S. § 13-1306

22 Pa. Code § 11.18

Federal Statutes

No Child Left Behind Act of 2001
McKinney-Vento Homeless Assistance Act

Other

Pennsylvania Education for Homeless Children and Youth State Plan

U.S. Dept. of Education- Guidelines – Homeless Children and Youth Programs

CONTACT BUREAU/OFFICE:

Education for Homeless Children and Youth Program
Bureau of Community and Student Services
Pennsylvania Department of Education
333 Market Street, 5th Floor
Harrisburg, PA 17126-0333
Voice: 717-783-6468

Child Accounting questions should be referred to:

Bureau of Budget and Fiscal Management
Division of Subsidy Data and Administration
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333
Voice: 717-787-5423

Transportation questions should be referred to:

Bureau of Budget and Fiscal Management
Division of Subsidy Data and Administration
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333
Voice: 717-787-3195

**Attachments: Procedural Safeguards Notice of Denial of Enrollment
Enrollment Complaint to PA Department of Education
Pennsylvania McKinney-Vento Coordinators (State, Regional & Site)**

Procedural Safeguards Notice of Denial of Enrollment

To be completed by a school whenever an enrollment or school selection request of a student experiencing homelessness is denied:

Date: _____

Name and Title of School Employee Completing Form:

Requested School: _____

School District: _____

(This may be the school the child was attending when s/he became homeless, the school the child is currently attending, or the school where the child is now living)

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Assistance Act, the following **written notification** is provided to:

Parent or Guardian or Youth: _____

Regarding student(s)/DOB(s): _____

After receiving your request for enrollment or school selection for the student(s) listed above, **we hereby provide notice that the request is denied. The reason for this determination is the following:**

The school district hereby notifies the parent or guardian of the student or unaccompanied youth of the following rights:

- The student has the right to **enroll immediately** in the requested/preferred school pending full resolution of the dispute.

- If the student wants to remain in the same school s/he was attending or the school s/he attended when s/he first became homeless, the student is **entitled to transportation** back to the prior school pending full resolution of the dispute if the placement (including any transportation involved) is feasible, reasonable and in the best interest of the student.
- **You have the right to appeal this decision.** You may do so by completing the second page of this notice (Complaint Form) or by contacting Pennsylvania’s McKinney-Vento Homeless State Coordinator by phone at (717) 783-6468.
 - The family/unaccompanied youth can challenge the school district’s decision by providing additional written material or by discussing the matter with the school, school district personnel, McKinney-Vento Homeless liaison or McKinney-Vento Regional or Site Coordinator.
 - The McKinney-Vento Homeless liaison can assist the family or youth in appealing the school district’s decision. A copy of Pennsylvania’s Homeless Children’s Initiative Complaint Form is attached.
 - The family/youth can have an advocate or attorney handle the matter.
 - You may also ask for help from the Commonwealth’s Office of General Counsel’s Dispute Resolution Program, a voluntary informal mediation process through which a trained impartial mediator helps parties to reach a mutually acceptable resolution. For more information go to: http://www.ogc.state.pa.us/portal/server.pt/community/dispute_resolution/4415. Using mediation does not waive a family/youth’s right to file a lawsuit before or after the mediation.

Name of school district’s homeless liaison involved in the decision:

Title: _____ Phone: _____

Name of McKinney/Vento Regional Coordinator consulted in making this determination:

I hereby confirm that I received this Notice:

(Name of parent or unaccompanied youth)

Enrollment Complaint to Pennsylvania Department of Education's State Coordinator for Homeless Children's Initiative

State Coordinator, Education for Homeless Children & Youth Program
Pennsylvania Homeless Children's Initiative, Pennsylvania Department of Education
333 Market Street, 5th Floor, Harrisburg, PA 17126-0333
Telephone 717-783-6468.

Date: _____

Name: _____

Address: _____

Phone: _____

Email: _____

Dear State Coordinator:

_____ is experiencing homelessness. This child is my _____.
NAME of CHILD SON, DAUGHTER, ETC.

I am writing because the _____ School District:

- will not enroll this child.
- will not let this child stay in the same school/he/she has been attending.
- will not provide transportation to stay in the same school he/she has been attending.
- will not provide equal access to public preschool.
- will not provide equal access to academic or non-academic services. (Explain which services).

Other: _____

Please feel free to attach additional pages with explanation of situation, supporting documents, etc. You may call or write to me at the address listed at the top of the page with any questions you may have. Thank you.

(These resources are also available by “link” in selected Tools.)

1. Federal Resources
2. State Resources
3. Pennsylvania Department of Education Basic Education Circular on Education for Homeless Youth
4. Pennsylvania Department of Education Basic Education Circular on Enrollment of Students
5. Sample Enrollment Complaint Form (blank)
6. Notice of Procedural Safeguards
7. List of Regional Coordinators and School District McKinney-Vento Liaisons for Allegheny County
8. List of Organizations Who Can Help

Web-based links, information and resources to help shelter providers help children and families and unaccompanied youth get the help they need to enroll in school, stay in school and successfully achieve their academic goals.

GENERAL RESOURCES

WHERE TO GO TO GET HELP

In Western Pennsylvania, contact:

Regional Coordinator: (Allegheny County) 412-394-5894

Assistant Regional Coordinator: (Westmoreland County) – 724-219-2309

Assistant Regional Coordinator (Washington, Fayette and Greene): 724-938-0820 ext. 21

Pennsylvania Homeless Children Initiative

Eight Homeless Children’s Initiative Regional Sites are in operation, with the State Coordinator located in Harrisburg. All of these individual would be happy to assist with any questions you may have or to help with a specific situation to help students enroll in school, access the full range of programs or file a complaint with things are not working.

The State Coordinator can be reached at: 717-772-2813.

The Pennsylvania Homeless Children’s Initiative (PAHCI) Directory maintains a webpage. There are two directories on this webpage that can assist you in ensuring homeless students receive the services they require. <http://homeless.center-school.org/HomelessDirectory>

Statewide Directory: Pennsylvania School District Liaisons for Homeless Students.

The *Statewide Directory: Pennsylvania School District Liaisons for Homeless Students* contains general information regarding the primary responsibilities of a school district homeless liaison, and the contact information for each school district (and charter school) within Pennsylvania, organized by county. There are several options to enable you to locate a homeless liaison for your area – you can search for the appropriate liaison by zip code, by county, by region or by city. You can also view the entire liaison listing and/or print the document.

Pennsylvania Shelter Directory: Homeless Families, Domestic Violence and Runaway Youth:

The *Pennsylvania Shelter Directory: Homeless Families, Domestic Violence and Runaway Youth* contains a listing of emergency shelters for homeless families, organized by county. This listing is not an all-inclusive directory of all shelters in Pennsylvania – the shelters listed here accept homeless families and/or homeless youth (such as runaways). There are no shelters listed here that serve homeless individuals solely. There are several options to enable you to locate a shelter in your area – you can search for the available shelter/s in your area by zip code, by county, by region, or by city. You can also view the entire shelter listing and/or print the document.

If you don't know where to turn for help, you can start by looking at these directories to find district liaisons and shelter providers who might be able to help you or lead you to others who can. If you don't have access to a computer, you can always call the State or Regional Coordinator and they will tell you is responsible for helping you in your area.

More Pennsylvania Resources:

The Pennsylvania Department of Education (PDE) Homeless

www.pde.state.pa.us/homeless

Click on Homeless Education in left column.

Pennsylvania's Homeless Children's Initiative (PAHCI)

<http://homeless.center-school.org>

The 100 Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations

<http://homeless.center-school.org/providers/290/100FrequentlyAskedQuestions.pdf>

SPAC – PA State Parent Advisory Council on Title I

(Statewide parent resource center on Title I)

<http://www.spac.k12.pa.us/>

1-800-942-8035 (Parent Hotline)

“Coordinating Title I and Homeless Programs”

www.elc-pa.org

click on “publications” and go to Title I trainings

Education Law Center

www.elc-pa.org

412-258-2120

Homeless Children's Education Fund

www.educationfund.org

412-562-0154

National Organizations

National Association for the Education of Homeless Children and Youth

www.naehcy.org

512-475-8765

National Center for Homeless Education at Serve

www.serve.org/nche

800-308-2145

National Coalition for the Homeless

www.nationalhomeless.org

National Law Center on Homelessness and Poverty

www.nlchp.org

202-638-2535

National Coalition for the Homeless

www.nationalhomless.org

202-737-6444

National Network for Youth

www.nn4youth.org

202-783-7949

Covenant House

(Crisis Hotline for Teens)

www.covenanthouse.org

1-800-999-9999

General Education Terms

- **“Act 26 Statement” or “Sworn statement of disciplinary record”:** This is a sworn statement regarding a child’s current and past disciplinary record relating to weapons, alcohol or drugs, or violence on school grounds. The document must be completed by the parent, guardian, or other person having care or control of the child and as part of the process for enrolling a child.
- **Americans with Disabilities Act (ADA):** The ADA is a federal law that prohibits discrimination against persons with disabilities and, among other things, requires that entities such as private schools (other than religious schools) make reasonable accommodations for children with disabilities.
- **Alternative Education for Disruptive Youth Programs:** Alternative Education programs are approved by the Pennsylvania Department of Education to provide education to students who meet the definition of a “disruptive youth.” The student must receive an informal hearing from his or her school district before being transferred to such a program and is entitled to an exit review no less frequently than the end of each semester.
- **Basic Education Circular (BEC):** Pennsylvania Department of Education guidance to local educational agencies used primarily to interpret federal and state education laws.
- **Block Schedule:** In this setup, students complete core courses over the period of one semester. During the next semester, students begin another set of core courses, which they will complete over the period of one semester. There are different variations of block scheduling.
- **Bureau of Special Education (BSE):** The Office within the Pennsylvania Department of Education that administers the state’s special education programs and monitors school districts’ compliance with the Individuals with Disabilities Education Act and state special education law.
- **Chafee Education and Training Grant (“ETG”):** The Chafee Education and Training Grant Program is a federally funded program that offers grant assistance to youth who were in the child welfare system at age 16 or older for postsecondary education and training programs. This includes youth who were adopted or entered a kinship guardianship arrangement at age 16 or older. Maximum awards under this program are \$5,000 per academic year. For more information see http://www.pheaa.org/specialprograms/pa_chafee_grant_program.shtml.
- **Compulsory School-Age:** The age at which the child attends first grade, but no later than age 8 (age 6 for students from Philadelphia) until age 17.
- **English Language Learner (ELL):** Formerly referred to as English as a Second Language, this term refers to an individual actively learning the English language. It is used mainly to describe students in kindergarten through twelfth grade.

- **English As a Second Language (ESL):** This language is rarely used. It once referred to those now designated English Language Learners (ELL). It is still used to refer to multilingual students in higher education.
- **Family Education Rights and Privacy Act (FERPA):** A federal law that prohibits the release of a child's education records or personally identifiable information from those records without the written consent of the child's parent or the child if over age 18. There are some exceptions to this consent requirement, including, for example, disclosure of records between schools or a court order permitting disclosure to a child welfare agency.
- **Fostering Connections to Success and Increasing Adoptions Act:** A federal law that provides, among other things, that child welfare agencies shall coordinate with local education agencies to ensure school stability, prompt school enrollment with school records, and school attendance for children in care.
- **Free Application for Federal Student Aid (FAFSA):** The FAFSA is a form that must be filled out annually by current and anticipating college students (both undergraduate and graduate) in the United States to determine their eligibility for federal student financial aid (including Pell grants, Stafford loans, PLUS loans, work-study programs, and the ETG grant). Many other private scholarships also require that the FAFSA be completed. The Department of Education begins accepting the application beginning Jan. 1 of each year.
- **General Education Decision-maker:** Has the right and responsibility to make decisions related to the general education needs of a child/youth, such as permissions for fieldtrips, permissions for medication, handling of emergency situations, signing for release of records, etc.
- **Homebound Instruction:** School districts may provide "homebound instruction" to children because of a temporary medical emergency. Homebound instruction is different from "in-home instruction," which is a special education program for children who are eligible for special education who are too medically compromised to attend school for some period of time.
- **Home Schooling:** Pennsylvania law permits the home schooling of students under certain conditions. For more details, see <http://www.elc-pa.org/pubs/downloads/english/oth-homeschooling%207-08.pdf>.
- **Intermediate Unit (IU):** An IU is a regional educational entity from which school districts purchase certain services, most commonly special education services for students with low incidence disabilities.
- **Local Education Agency:** A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools. (20 USCS § 7801(26)(A))

- **Limited English Proficiency:** Those whose proficiency in speaking, reading, writing, or understanding English, as a result of national origin, is such that it would deny or limit their meaningful access to programs and services provided by the Department [of Education] if language assistance were not provided. (Department of Education)
- **McKinney-Vento Act:** The McKinney-Vento Act is a federal education law that mandates, among other things, that children who are “homeless” are entitled to school stability or must be immediately admitted to a new school regardless of whether they have the documents that would otherwise be required for admission to school. It also requires that each school district appoint a McKinney-Vento Homeless liaison. In Pennsylvania, McKinney-Vento Regional or Site Coordinators resolve disputes and ensure access to services.
- **On-site or “On-grounds” School:** Usually a Department of Education licensed private academic school located at or associated with a residential facility such as a residential treatment program. Note: Some on-grounds programs are run by Intermediate Units which provide educational services at the facility.
- **Partial Hospitalization Program:** A day mental health program licensed by the Offices of Children Youth and Families and Mental Health and Substance Abuse Services to provide mental health support for children with significant mental health issues.
- **Pennsylvania System of School Assessment (PSSA):** Every Pennsylvania student in grades 3 through 8 and grade 11 is assessed in reading and math to determine whether the student has achieved proficiency in the state’s standards for that grade and subject. Every Pennsylvania student in grades 5, 8 and 11 is assessed in writing. Every Pennsylvania student in grades 4, 8 and 11 is assessed in science.
- **School Discipline:** A suspension is the involuntary removal of a student from the school setting for a period of up to ten days in a row for the violation of a school rule. An expulsion is the involuntary removal of a student for 10 days in a row or longer. Students are entitled to protections that increase with the length of the school exclusion, including a formal hearing when an expulsion is proposed.
- **Section 504 Accommodation Plan:** Also known as a 504 Plan, a Service Agreement, or a Chapter 15 Agreement, this is a plan of services and accommodations developed by the school district and the family for students who have a disability under Chapter 15 and the federal Rehabilitation Act of 1973 (commonly known as “Section 504.”)
- **Student Assistance Program (SAP):** Vehicle through which districts provide appropriate counseling and support services to students who experience problems related to the use of drugs, alcohol, and dangerous controlled substances.
- **Title I Services:** Title I of the federal Elementary and Secondary Education Act (ESEA) funds academic support and learning opportunities for low-achieving, low income students so that they can master challenging curricula and meet state standards in core academic subjects. Title I funds can support extra instruction in reading and mathematics, and such other programs as special preschool, after-school, and summer programs.

- **Traditional Schedule:** In this setup, students complete core courses over the period of an entire school year.
- **Truancy:** Referring to unexcused absences. School districts are encouraged to work with families and students to address attendance issues. A principal or teacher is required to report to the superintendent, attendance officer or school board any child who has had three (3) unexcused absences in a school year. Students who miss ten consecutive school days must be dropped from the school rolls unless the school is provided with evidence that the excuse is legal or the school is pursuing compulsory attendance prosecution. School districts are required to refer to the juvenile courts students of compulsory school age who do not attend school regularly as determined by the school district. Students of compulsory school age who do not comply with attendance requirements may be offered alternative education services or other provisions of education. For details on Pennsylvania truancy laws see <http://www.elc-pa.org/pubs/downloads2010/SchoolAttendanceandTruancyPA12-08A.pdf>.
- **“Zero Tolerance” Law or Act 26:** This is a state law that requires a mandatory one-year expulsion for any student who brings a weapon to school or a school-sponsored activity. The superintendent of a school district or an administrative director of an area vocational-technical school may recommend modifications of such expulsion requirements on a case-by-case basis.

Special Education Terms

- **Student with a Disability:** A child who has been evaluated and determined to have a qualifying disability and need special education.
- **Compensatory Education (“Comp Ed”):** Make up services owed to a child with a disability who did not receive services listed in her IEP or did not receive a free, appropriate public education (“FAPE”).
- **Evaluation Report (ER):** The report of the special education evaluation, which must be provided to a parent.
- **Functional Behavioral Assessment (FBA):** An FBA is an assessment to identify the reasons for a specific student behavior and to help the IEP team select appropriate interventions to address the behavior. An FBA must be conducted if a child’s behavior was a manifestation of her disability unless an FBA has already been completed.
- **Individuals with Disabilities Education Act (IDEA):** A federal law that requires Pennsylvania and other states to ensure that eligible children with disabilities receive a “free appropriate public education” in the “least restrictive environment” and procedural safeguards.
- **Individualized Education Program (IEP):** A written education plan, developed by the parent and the school district, that, among other things, sets out the child’s educational goals, how progress will be measured, what special education and related services the district agrees to provide, and the extent to which the child will be educated in a regular classroom and with what supports.
- **Individualized Education Plan (IEP) Team:** The IEP Team is a group of specific school staff, parents, and any persons the school or the parent invite, which develops the IEP for an eligible child.
- **Initial Evaluation:** The first evaluation for a student with a suspected IDEA disability. Parental consent is required to conduct an initial education evaluation unless a court issues an order authorizing another person to consent to the initial evaluation.
- **Least Restrictive Environment (LRE):** The IDEA mandates that an eligible child must be educated together with students who do not have disabilities to the maximum extent appropriate to the child’s needs with the “supplemental aids and services” needed to support the child in the regular school environment.
- **Manifestation Determination:** When a school district proposes to suspend a child who is receiving special education for more than 15 days in a school year or 10 or more days in a row, a team must determine if: the child’s conduct was caused by, or had a direct and substantial relationship to, the child’s disability; or the conduct was the direct result of the school entity’s failure to implement the IEP. The IEP Team decides whether these criteria are met in which case the child is entitled to special protections in the discipline process.

- **Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN):** The purpose of this notice is to summarize for the parents the recommendations of the Local Education Agency (LEA) for the child's educational program and other actions taken by the LEA.
- **Parent (under the IDEA):** A biological or adoptive parent, foster parent, guardian (but not the State), an individual acting as a parent in the place of a parent or a surrogate parent appointed by a school district or court. The biological parent continues to be the IDEA parent unless she is not available or active.
- **Permission to Evaluate-Consent Form:** A written document that gives the school district/LEA to evaluate the child/youth for special education services.
- **Permission to Evaluate-Evaluation Request Form (PTE-Evaluation Request Form):** A written document requesting an evaluation for special education services. This does not provide consent for the school district/LEA to evaluate the child/youth.
- **Transition Plan:** A student aged 14 or older must have a transition plan in the IEP that sets out the goals for the student when he or she graduates and the transition services to be provided.
- **Special Education Decision Maker/Surrogate Parent:** Distinguished from the Education Decision Maker, this individual must be appointed by a local educational agency when the child does not have an active parent who can be located and there is no foster parent who can perform this role. The individual has the same rights as the child's parent in the special education system. When the child in a facility has no parent available, the court can appoint a special education decision maker/surrogate parent. A court can also appoint an education guardian whenever that is in the child's best interest.

Source: Education Law Center, 2010.