

**McKinney – Vento Homeless Assistance Act
Resource Manual**

Last revised: July 1, 2022

Hermitage School District Homeless Liaison:

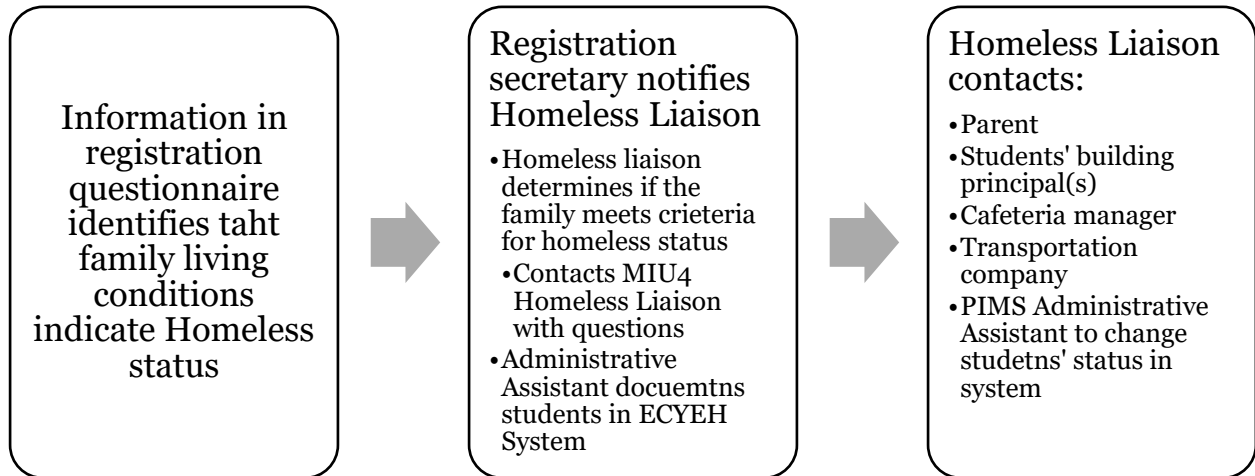
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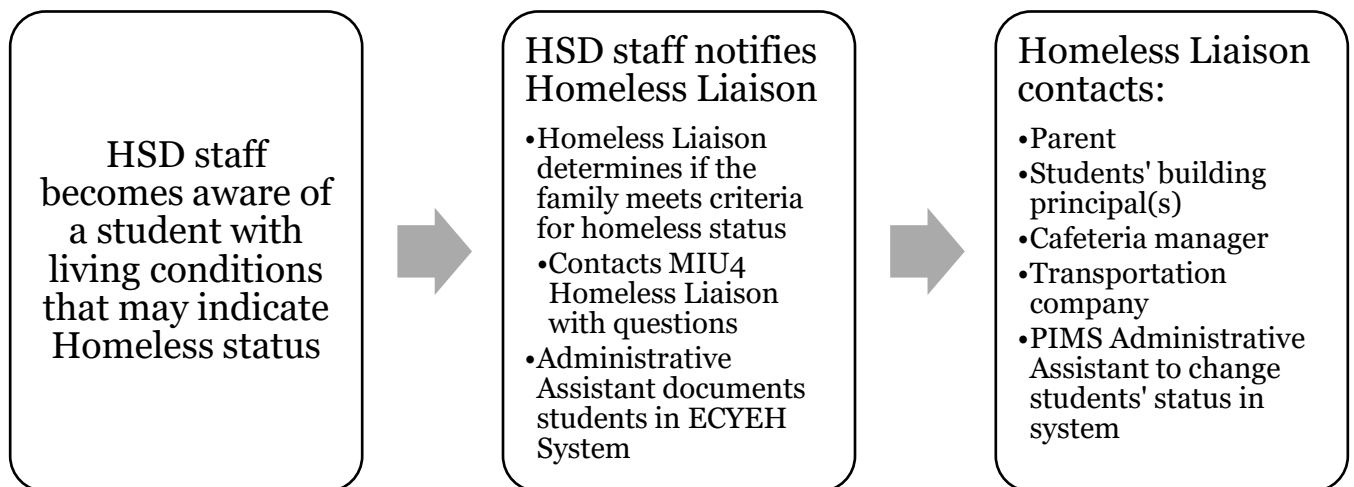
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Homeless Designation Process

New Registrants:



Current Students:



HSD School Board Policy #251: Homeless Students

Book	Policy Manual
Section	200 Pupils
Title	Homeless Students
Code	251
Status	Active
Adopted	December 14, 2009
Last Revised	February 19, 2019

Authority

The Board recognizes the need to promptly identify homeless children and youths within the district, facilitate their immediate enrollment, and eliminate existing barriers to their attendance and education, in compliance with federal and state laws and regulations.[\[1\]\[2\]\[3\]](#)

The Board shall ensure that homeless children and youths have equal access to the same educational programs and services provided to other district students.[\[1\]\[2\]\[3\]\[4\]](#)

The Board, authorizes the Superintendent to waive district policies, procedures and administrative regulations that create barriers to the identification, enrollment, attendance, transportation, school stability and success in school of homeless children and youths.[\[3\]](#)

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

Definitions

Enroll or Enrollment means attending classes and participating fully in school activities.[\[7\]](#)

Homeless children and youths means individuals who lack a fixed, regular and adequate nighttime residence, and includes:[\[7\]\[8\]](#)

1. Children and youths who are:
 - a. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b. Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;

- c. Living in emergency, transitional or domestic violence shelters; or
 - d. Abandoned in hospitals.
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;
 4. Migratory children who qualify as homeless because they are living in circumstances described above; and
 5. School-aged parents living in houses for school-aged parents if they have no other available living accommodations.

School of origin is the school the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including preschool. When the child or youth completes the final grade level served by the school of origin, the school of origin shall include the designated receiving school at the next grade level for all feeder schools.[\[6\]](#)

Unaccompanied youth means a homeless child or youth not in the physical custody of a parent or guardian. This includes youth who have run away from home; been abandoned or forced out of home by a parent, guardian or other caretaker; or separated from a parent or guardian for any other reason.[\[7\]](#)

Delegation of Responsibility

The Superintendent designates a district employee to serve as the district's liaison for homeless children and youths.[\[6\]](#)

The district's liaison shall ensure outreach and coordination with:[\[6\]](#)

1. Local social service agencies and other entities that provide services to homeless children and youths and families.
2. Other school districts on issues of prompt identification, transfer of records, transportation and other inter-district activities.
3. District staff responsible for the provision of services under Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act.[\[9\]](#)
4. State and local housing agencies responsible for comprehensive housing affordability strategies.

The district's liaison shall ensure that public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents/guardians of homeless children and youths, and unaccompanied youths, including schools, shelters,

public libraries, and soup kitchens. Such notice shall be provided in a manner and form understandable to the parents/guardians of homeless children and youths, and unaccompanied youths.[\[6\]](#)

The district's liaison shall provide reliable, valid and comprehensive data to the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness (ECYEH) Program in accordance with federal and state laws and regulations.[\[6\]](#)

Guidelines

Enrollment/Placement

Best Interest Determination -

In determining the best interest of a child or youth, the district shall:

1. Presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the parent/guardian or unaccompanied youth.[\[6\]](#)
2. Consider student-centered factors related to impact of mobility on achievement, education, health and safety, giving priority to the request of the parent/guardian or unaccompanied youth.[\[6\]](#)
3. If, after such consideration, the district determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent/guardian or unaccompanied youth, the district shall provide the parent/guardian or unaccompanied youth with a written explanation of the reasons for its determination. The explanation shall be in a manner and form understandable to the parent/guardian or unaccompanied youth and shall include information regarding the right to appeal.[\[6\]](#)

Placement -

In accordance with the child's or youth's best interest, the district shall continue to enroll a homeless student in his/her school of origin while s/he remains homeless and through the end of the academic year in which s/he obtains permanent housing.[\[6\]](#)

Parents/Guardians of a homeless student may request enrollment in the school in the attendance area where the student is actually living or other schools.[\[6\]](#)

The district's liaison shall assist an unaccompanied youth in placement or enrollment decisions, giving priority to the views of the student in determining where s/he will be enrolled.[\[6\]](#)

The district shall provide the parent/guardian or unaccompanied youth with a written explanation of any district decision related to school selection or placement, including the right to appeal.[\[6\]](#)

Enrollment -

The selected school shall immediately enroll the student and begin instruction, even if:

1. The student is unable to produce records normally required for enrollment.[3][10][11][12][13][14][15][16]
2. The application or enrollment deadline has passed during any period of homelessness.[6][10]

The district's liaison shall immediately contact the school last attended by the child or youth to obtain relevant academic or other records.[6][10][11][12][13][14][15][16]

The district may require a parent/guardian to submit contact information.[6]

Assignment -

If the district is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize appropriate means to determine the student's assignment within the school.[6][17]

Dispute Resolution -

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

1. The parent/guardian or unaccompanied youth shall be referred to the district's liaison, who shall assist in the dispute resolution process.
2. The student shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.
3. The district's liaison shall issue a written decision of the dispute within twenty (20) business days of being notified of the dispute.

A parent/guardian or unaccompanied youth may appeal a district's written decision or file a complaint with the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program.

Education Records

Information about a homeless child's or youth's living situation shall be treated as a student education record subject to the protections of the Family Educational Rights and Privacy Act (FERPA), and shall not be deemed to be directory information.[15][16]

Comparable Services

Homeless students shall be provided services comparable to those offered to other district students including, but not limited to:[1][6][18]

1. Transportation services.[19]

2. School nutrition programs.[20]
3. Career and technical education.[21]
4. Preschool programs.
5. Educational programs for which the homeless student meets the eligibility criteria, such as:
 - a. Services provided under Title I or similar state or local programs.[22]
 - b. Programs for English Language Learners.[23]
 - c. Programs for students with disabilities.[9]
 - d. Programs for gifted and talented students.[24]

Transportation

The district shall provide transportation for homeless students to their school of origin or the school they choose to attend within the school district.[1][6][19]

If the school of origin is outside district boundaries or homeless students live in another district but will attend their school of origin in this district, the school districts shall agree upon a method to apportion the responsibility and costs of the transportation.[6]

Training

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

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

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

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

Legal

1. 24 P.S. 1306
 2. 22 PA Code 11.18
 3. 42 U.S.C. 11431 et seq
 4. 34 CFR 299.19
 5. 42 U.S.C. 11431
 6. 42 U.S.C. 11432
 7. 42 U.S.C. 11434a
 8. 34 CFR 200.30
 9. Pol. 113
 10. Pol. 200
 11. Pol. 201
 12. Pol. 203
 13. Pol. 204
 14. Pol. 209
 15. Pol. 216
 16. Pol. 113.4
 17. Pol. 206
 18. Pol. 146
 19. Pol. 810
 20. Pol. 808
 21. Pol. 115
 22. Pol. 918
 23. Pol. 138
 24. Pol. 114
 - 22 PA Code 403.1
 - 20 U.S.C. 1232g
 - 20 U.S.C. 6301 et seq
 - 34 CFR Part 99
 - 67 Fed. Reg. 10698
- PA Education for Homeless Children and Youth State Plan

Education for Homeless Youth Basic Education Circular (BEC)

Education for Homeless Youth

42 U.S.C. § 11431 et seq.

Date of Issue: February 3, 2010

Date of Review: December 10, 2016, August 19, 2015, September 1, 2011

Purpose

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. On December 10, 2015, the Every Student Succeeds Act (ESSA) was enacted, amending McKinney-Vento.

Procedures

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

- i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals;
- ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- iv. "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; and,

- v. "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.

Communication and collaboration among education and child welfare professionals is critical to support school stability and continuity for children in out-of-home care. The law requires child welfare and local education agencies to work together to promote school stability and continuity including trying to ensure children remain in the school in which they were enrolled at the time of placement when it is in their best interest. Best practice would suggest that decisions be made collaboratively between school personnel, child welfare agencies and any other individual involved in the child's case including the child, resource parent, child advocate and attorney. It is imperative that caseworkers and school district administration and staff work together to help ensure the educational progress of all students.

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 U.S.C. § 11431. Specifically, 42 U.S.C. § 11432(g) (3) (A) indicates that the local educational agency (LEA) shall, according to the child's best interest: In accordance with Section 722 (g) (3) (B) (ii), the local educational agency:

- I. must presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest unless doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;
- II. must consider student-centered factors related to a child's or youth's best interest, giving priority to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth; or
- III. if the LEA determines that it is not in a child's or youth's best interest to attend the school of origin, or the school requested by the parent, guardian, or unaccompanied youth, it must provide a written explanation

of the reasons for its determination, in a manner and form that is understandable.

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 U.S.C. § 11432(g) (3) (G).

Homeless Students Residing in Shelters, Facilities or Institutions

Section 1306 of the Pennsylvania Public School Code (24 P.S. §13-1306) deals with the public school admission of nonresident 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 (a) addresses the public school admission of nonresident children who live in an institution, shelter or custodial care facility:

- a. *The board of school directors of a school district in which there is located a licensed shelter, group home, maternity home, residence, facility, orphanage or other institution for the 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 school district in this Commonwealth.*

22 Pa. Code § 11.18, as it applies to homeless children and youth, includes within the definition of "licensed shelter" 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
 - regularly receiving day shelter or other services involving any of the 16 McKinney-Vento Activities (42 U.S.C. 11433(d)) for individuals who are homeless;
 - conducting daily living activities; or
 - 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 or youth shall continue to be enrolled in the school in which he or she is seeking enrollment until the complaint or appeal is fully resolved by a McKinney-Vento coordinator, state coordinator, through mediation or in court.

School Placement

The McKinney-Vento Act requires that, "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 youths 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, including Head Start programs (including Early Head Start programs), early intervention services under Part C of the IDEA, other preschool programs administered by the LEA, 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 youths receive services under the McKinney-Vento Act (such as schools, family shelters and food pantries).
4. Mediate enrollment disputes in accordance with the Enrollment Dispute section.
5. Inform the parent or guardian of a homeless child, 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 youths who do not have documentation of immunizations or medical records to obtain necessary immunizations or necessary medical documentation.
8. Understand the guidance issued by the Pennsylvania Department of Education (PDE) for the education of homeless students and be ready to explain the BEC related to homeless education to school district staff.
9. Get to know the best resources in their 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 their district.
12. Become familiar with the various program materials that are available from PDE.
13. Ensure that public notice of the educational rights of homeless students is disseminated in locations frequented by parents and guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchen, in a manner and form understandable to the parents and guardians and unaccompanied youth.
14. Liaisons must collaborate with a school district's 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 (IDEA), which mandates that highly mobile children with disabilities, including homeless children, be identified and served. Liaisons should also ensure that homeless youths who have or may have disabilities have a parent or a 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 in emergency shelters; transitional shelters; independent living programs; street outreach programs; and state, local educational agency or child welfare agency staff involved in the education or care of the child. This rule applies only to unaccompanied homeless youth.
15. 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 youths in school, whether the family has preschool-aged children.
16. 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.
17. Liaisons ensure that unaccompanied youths are enrolled in school, and have opportunities to meet the same challenging state academic standards as the state establishes for other children and youths, are informed of their status as independent students under section 480 of the Higher Education Act of 1965

(HEA) (20 U.S.C 1087vv), and their right to receive verification of this status from the local liaison.

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 LEA 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 youths should have access to education and other services that they need to ensure that they have an opportunity to meet the same challenging state student performance standards to which all students are held.

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

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

The selected school shall immediately enroll the child or youth in school, *even if the child or youth lacks records normally required for enrollment*, such as previous academic records, medical records, proof of residency or other documentation. Section 722 (g)(3)(C) (i)(II) requires that a school selected based on a homeless child's or youth's best interest must immediately enroll such child or youth even if he or she has missed application or enrollment deadlines during any period of homelessness.

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

In order to ensure immediate enrollment, in accordance with Section 722 (g)(6)(A)(ix), the LEA liaison is required to: train school enrollment staff about the legal requirement that homeless children and youths be immediately enrolled and provided transportation; review school regulations and policies to ensure that they comply with the McKinney-Vento Act requirements; inform families and youth, in a language they can understand, of their rights; develop clear, understandable and accessible written

explanations of decisions and the right to appeal; and expeditiously follow up on any special education or language assistance needs presented by a student.

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. The law specifies that information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be deemed to be directory information. (Section 722 (g)(3)(G)).

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 U.S.C. §11432(g)(c)(iii).

Title I

Title I of the Elementary and Secondary Education Act (reauthorized December 2015 by the Every Student Succeeds Act) 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 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." Under Title I, 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, 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. This includes students enrolled in public school Head Start and Early Head Start education programs. 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.

The provision of transportation to the school of origin is based on a students' status as homeless. The provision to remain in the school of origin during the remainder of the academic year is offered to provide for school stability. Local education agencies must continue to provide transportation to and from the school of origin to formerly homeless students who have become permanently housed for the remainder of the academic year during which the child or youth becomes permanently housed. (Section 722(g)(3)(A)(II)).

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 school district of residence cannot be determined, the educating school district should submit a written request to PDE's School Services Office to make a determination regarding the student's "ward of the state" status.

- B. In cases when the education of the child is provided by the district of origin, including preschool children, 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. When a child or youth completes the final grade level served by the school of origin, it also includes the designated receiving school at the next grade level for all feeder schools. (Section 722(g)(3)(I)).
- C. 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 under the National School Lunch and Breakfast Programs

Effective July 1, 2004, Section 107 of the Child Nutrition and WIC 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. The following are guidelines set out by PDE for implementation of this amendment.

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 a school district migrant education or homeless education staff.
2. School district migrant education or homeless education staff 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 youths. 42 U.S.C §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, enrollment decisions and providing enrollment and pendency in the school of choice while a dispute is being resolved. 42 U.S.C §11432(g)(2)(A).

PDE has developed the following procedures to govern the resolution of disputes regarding enrollment, school selection, homeless status and complaints of non-compliance with legal requirements pertaining to the education for homeless children and youths:

Level 1 – A dispute may be raised with a LEA.

If a dispute arises over school selection or enrollment, the child or youth involved must immediately be admitted to the school in which they are seeking enrollment, pending resolution of the dispute 42 U.S.C. §11432(g)(3)(E)(i). PDE recommends that the parent, guardian or unaccompanied youth who initiates the dispute contact the LEA liaison for individuals experiencing homelessness 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 or youth is immediately enrolled, explain the dispute resolution process to families and help them to use it 42 U.S.C. §11432(g)(3)(E)(iii). The LEA shall issue a written disposition of the dispute within 20 business days after the LEA liaison is notified of the dispute. The disposition shall be provided to the parent, guardian or unaccompanied youth and shall explain the basis for the decision and advise the parent, guardian or youth of the right to appeal. 42 U.S.C. §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, guardian or unaccompanied youth is dissatisfied with the LEA’s disposition of a dispute or would like to raise any issue of McKinney-Vento Act noncompliance, they may file a complaint or 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, guardian 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 or appeal is filed must notify the state coordinator immediately. Upon being notified, the state coordinator will review the

complaint or 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 individual or LEA involved, and shall issue a written disposition within 20 business days after the complaint or appeal has been assigned. The disposition shall be provided to the LEA and the parent, guardian or unaccompanied youth involved. The child or youth shall continue to be enrolled in the school in which he or she is seeking enrollment until the complaint or 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.

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, the 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.

References

Purdon's Statutes

[24 P.S. § 13-1301](#)

[24 P.S. § 13-1302](#)

[24 P.S. § 13-1306](#)

State Board of Education Regulations

[22 Pa. Code § 11.18](#)[Opens In A New Window](#)

Federal Regulations

Elementary and Secondary Education Act, as reauthorized by the [Every Student Succeeds Act](#)[McKinney-Vento Homeless Assistance Act](#)[Opens In A New Window](#)

US Code

[42 U.S.C. §§11431-11435 \(including section 722\)Opens In A New Window](#)
[20 U.S.C 1087vvOpens In A New Window](#)

Other

[Pennsylvania Education for Homeless Children and Youth State Plan \(PDF\)](#)
[U.S. Dept. of Education Guidelines – Homeless Children and Youth ProgramsOpens In A New Window](#)
[OGC Dispute Resolution Program](#)
[Determination of District of Residence for Students in Facilities or Institutions \(PDE-4605\) \(PDF\)](#)

Attachments

[Procedural Safeguards Notice of Denial of Enrollment \(PDF\)](#)
[Enrollment Complaint to PA Department of Education \(Word\)](#)
[Pennsylvania McKinney-Vento Coordinators \(State, Regional & Site\)Opens In A New Window](#)

Bureau/Office Contacts

Education for Homeless Children and Youth Program

Bureau of Curriculum, Assessment, and Instruction
Pennsylvania Department of Education
333 Market Street, 3rd Floor
Harrisburg, PA 17126-0333
Phone: 717-783-6466

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
Phone: 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
Phone: 717-787-3195

For additional information, please contact:

Storm Y. Camara | Pennsylvania Department of Education
Education for Homeless Children and Youth Program
333 Market Street, 3rd Floor | Harrisburg, PA 17126-0333
Phone: 717.772.2066
scamara@pa.gov

Family Resources

AWARE: Partners in the prevention of violence

Provides emergency and family services

Hotline: 1.888.981.1457

Catholic Charities

Provides family supports

Sharon Office: 724.346.4142

Toll free: 1.800.350.2699

Community Action Partnership of Mercer County

Provides family and housing supports

1.888.508.5216

Joshua's Haven City Mission

Provides free bread and smaller items to those in need

724.983.0304

Mercer County Assistance Office

Department of Health services

724.983.5000

Mercer County Behavioral Health Commission

Provides needs assessments, services planning, linkage to community supports

Crisis Hotline: 724.662.2227

Central Intake: 724.662.2230

Mercer County Children and Youth Services

724.662.2703

Prince of Peace

Provides emergency and family services

724.346.5777

Hotels in Hermitage, PA

Econo Lodge

2810 S. Hermitage Road
724.979.4330

Quality Inn

3200 S. Hermitage Road
724.981.1530

Royal Motel

301 S. Hermitage Road
724.347.5546