

Educating Homeless Children and Youth

The Guide To Their Rights

Last Updated: 08/2007

**NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY**

LAWYERS WORKING TO END HOMELESSNESS

The National Law Center on Homelessness & Poverty (NLCHP) is the only national legal advocacy organization dedicated to ending and preventing homelessness. Our attorneys go into courtrooms and the halls of our legislatures to protect the needs of society's most vulnerable members.

Through impact litigation, policy advocacy, and public education we address the root causes of homelessness at the local, state, and national levels.

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ABOUT THIS BOOKLET

More than 1.35 million children and youth experience homelessness each year. These young people may be living on the streets, but they are most often in shelters or temporarily living with family or friends after losing housing or having financial problems.

THE MCKINNEY-VENTO ACT

Homeless children and youth often have problems enrolling and participating in school. As a result, Congress passed the McKinney-Vento Homeless Assistance Act in 1987. This law gives homeless children and youth the right to:



Remain in the same school even if they move;



Enroll in a new school without typically required records such as proof of residency, immunizations, school records, or other papers;



Get transportation to school;



Get all the school services they need; and



Challenge decisions made by schools and districts.

HELPING STUDENTS WITH SCHOOL NEEDS

Despite McKinney-Vento, homeless children and youth sometimes need help enrolling and participating in school. Various individuals can, and should, step forward to provide assistance. Parents, relatives, family friends, school and school district personnel, shelter providers, youth program workers, social workers, advocates, and the students themselves can all play a role in helping young people get an education. If you are such a person, this booklet will get you started.

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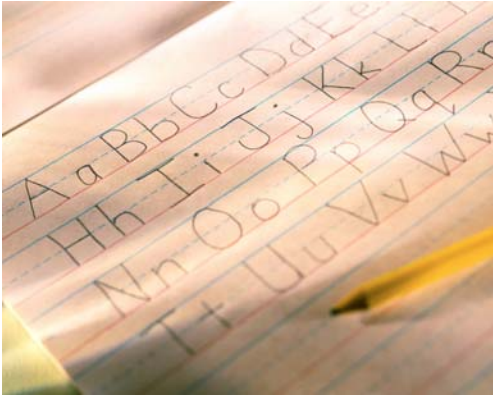
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Q & A:

DEFINING HOMELESSNESS

Q: WHO IS COVERED BY THE MCKINNEY-VENTO ACT?

A: Any child or youth without a fixed, regular, and adequate nighttime residence is considered “homeless” under the law. This includes students who are:

- Living with a friend, relative or someone else because they lost their home or their family is having temporary financial problems;
- Staying in a motel, hotel, trailer park, or campground because they have nowhere else to go;
- Living in a shelter, including emergency or transitional shelters, domestic violence shelters, and runaway and homeless youth shelters;
- Staying in substandard housing;
- Living in places not ordinarily used for sleeping, including cars, parks, public places, abandoned buildings, or bus or train stations;
- Awaiting foster care placement; or
- Abandoned in a hospital.

Q: ARE YOUTH ON THEIR OWN COVERED BY MCKINNEY-VENTO?

A: Yes. McKinney-Vento protects homeless youth who are not living with a parent or guardian. The law calls such students “unaccompanied youth.” These young people may include those who:

- Were asked to leave home by a parent;
- Left home with the consent of a parent;
- Have no formal custody papers or arrangements while their parents are in jail, the hospital, or a rehabilitation center; or
- Ran away from home.

Youth on their own cannot be kept out of school because they do not have a parent or guardian to enroll them.

Q: ARE STUDENTS WHO TEMPORARILY LOSE HOUSING DUE TO A DISASTER COVERED BY MCKINNEY-VENTO?

A: Oftentimes yes. If families temporarily lack a fixed, regular, and adequate nighttime residence, they fit within the law’s definition of “homelessness.” These families may be living with family members, friends,

or in motels/hotels while trying to find new permanent housing. In the meantime, school needs can be addressed by the McKinney-Vento Act.

The law was particularly helpful to families affected by Hurricane Katrina.

Q: WHAT DOES IT MEAN TO BE “AWAITING FOSTER CARE PLACEMENT?”



A: The law allows each community to decide which children should be placed in this category. School districts often include young people

who are in the custody of a social services agency and living in an emergency shelter while waiting to be placed with a family.

Q: DO ANY SPECIAL RULES APPLY TO MIGRANT OR IMMIGRANT STUDENTS?

A: No. Public schools must serve all migrant and immigrant children and youth. This is true even if the family or student is undocumented. Migrant and immigrant children who fit into one of the homeless categories are covered under McKinney-Vento.

Q & A: SCHOOL SYSTEM RESOURCES

Q: DOES MY SCHOOL DISTRICT HAVE SOMEONE WHO CAN HELP HOMELESS CHILDREN WITH SCHOOL ISSUES?

A: Yes. Every school district must have a person in charge of making sure students who are homeless can enroll and succeed in school. This person is called a “liaison” or a “coordinator.” Families and youth can call their school district’s central office to get their liaison’s name and phone number.

Q: IN WHAT WAYS DO LIAISONS HELP STUDENTS?

A: According to the McKinney-Vento Act, liaisons must:

- Locate homeless children and youth in their districts, making sure they immediately enroll and have an equal opportunity to succeed in school.
- Make sure that young people receive appropriate services, including transportation, preschool, special education, English language learner services, and vocational education.
- Make referrals to health care services, dental services, mental health services, or other care providers.

- Publicly post the education rights of homeless children and youth in places such as schools and family shelters.



- Assist unaccompanied youth with enrollment, transportation, and disagreements with schools.
- Help students get immunizations and immunization records.
- Make sure that disagreements between students and schools are resolved.

Q: ARE LIAISONS HELPFUL IN OTHER WAYS?

A: Yes. Liaisons can provide useful information. They know about any special programs offered to homeless students. For example, some districts may provide tutoring, mentoring, after school activities, or school supplies to students temporarily without permanent housing.

Q: IN ADDITION TO LIAISONS, ARE THERE ANY OTHER INDIVIDUALS WHO CAN HELP?

A: Yes. Each state must appoint a State Coordinator for the Education of Homeless Children and Youths.

Q: WHAT DOES THE STATE COORDINATOR DO?

A: The state coordinator must make sure that school districts follow the law. If you disagree with decisions made by a school district or are unable to get a school district to take action, you can call the state coordinator. These individuals also collect data on homeless students and provide trainings, advice, and assistance to school district officials.

Q: HOW DO I FIND MY STATE COORDINATOR?

A: A listing of state coordinators can be found at the back of this booklet. Updated listings can be found on the website of the National Center for Homeless Education (<http://www.serve.org/nche/downloads/sccontact.pdf>) or you can contact your state department of education.

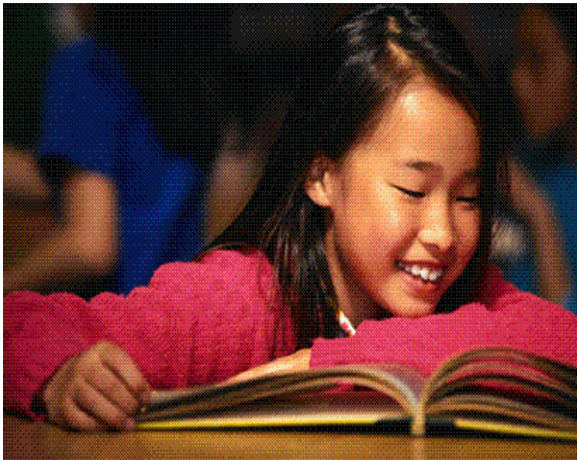
**Q & A:
SCHOOLS OF ORIGIN**

Q: IS IT A GOOD IDEA FOR STUDENTS TO STAY IN THE SAME SCHOOL AFTER THEY LOSE HOUSING?

A: Yes. Students often benefit from staying in one school while they are homeless. Staying put means they are less likely to fall behind in their school work, repeat a grade, receive unsatisfactory scores on

standardized tests, or drop out of school. They can also find comfort with familiar teachers, friends, and activities.

Q: CAN MCKINNEY-VENTO HELP STUDENTS STAY IN THEIR SCHOOLS?



A: Yes. Children and youth in homeless situations have the right to stay in the schools they attended before they lost their housing, or to stay at whatever school they were enrolled in last. These schools are called “schools of origin.”

Q: HOW LONG CAN A STUDENT ATTEND A SCHOOL OF ORIGIN?

A: Students can stay in a school of origin for the entire time they are homeless. When they find permanent housing, they can remain in the school of origin until the end of the school year.

Q: ARE STUDENTS ALWAYS ABLE TO GO TO A SCHOOL OF ORIGIN?

A: No. If it is not “feasible” or in a student’s best interest to stay at his school of origin, he may have to transfer. For example, if a student moved from New York to California, it would not be “feasible” for her to stay at the same school. The best interests of the student may be important in other situations such as when a family is fleeing domestic violence and fears an abuser may learn of their location.

Q: WHAT IF A STUDENT NEEDS TRANSPORTATION TO THE SCHOOL OF ORIGIN?

A: School districts **must** provide or arrange transportation for students who want to stay at their schools of origin, even if students move to a different city, county, or school district. The liaison must help set up the transportation.

The law does not say what kind of transportation must be provided, but school districts often use school buses, passes for public transportation (buses or subways), taxis, or vans.

Q & A: ENROLLING IN NEW SCHOOLS

Q: IF STUDENTS WANT TO GO TO A NEW SCHOOL, CAN THEY?

A: Yes. Sometimes students cannot attend a school of origin because they moved too far away or for other reasons. Some children and youth do not want to stay in the same school. These young people have the right to attend schools that serve the area where they are currently living.

Q: ARE THERE ANY SPECIAL RULES FOR ENROLLING HOMELESS STUDENTS?

A: Yes. Schools must immediately enroll homeless students, allowing them to attend classes and participate fully in school activities. These students are able to enroll even if they do not have records or other items that are required for non-homeless students, such as:

- Immunizations or immunization records;
- Physical examinations or medical records;
- Academic records;
- Proof of residency;
- A parent or legal guardian;

- Birth certificates; and/or
- Other documents.



Q: WHEN AND HOW DOES THE SCHOOL GET NECESSARY RECORDS?

A: While students are enrolled and attending classes, schools may try to get normally required records. The new school must call the student's last school to get records. The last school must send those records. Liaisons are required to help students get immunizations, immunization records, or other medical records.

Q: WHAT HAPPENS IF SCHOOLS NEVER GET THESE DOCUMENTS?

A: Sometimes schools will not be able to get normally required documents. For example, unaccompanied youth may never be able to bring a parent or guardian to school. Families may never be able to prove residency through documents such as lease agreements. If youth or families can never produce such items, that should not become a barrier to their school enrollment and attendance.

Q: WHAT IF A STATE OR SCHOOL DISTRICT HAS RULES THAT SAY STUDENTS CANNOT GO TO SCHOOL WITHOUT CERTAIN RECORDS?

A: Schools must still follow the McKinney-Vento Act even if there are state or local laws or policies that conflict with it. If schools, school districts, or states have rules that keep students who are homeless out of school, McKinney-Vento says those rules must be changed.

Q: CAN STUDENTS ENROLLING IN NEW SCHOOLS RECEIVE TRANSPORTATION SERVICES?

A: When students enroll in new schools, they must be provided with any transportation services that are offered to non-homeless students. Some school districts do not offer school bus service to non-homeless students. In those districts, homeless students would also not be able to ride a school bus to school.



However, McKinney-Vento requires school districts to change policies that are educational barriers to homeless students. If not providing transportation prevents homeless children from enrolling and attending classes, the school district must rethink that policy.

Q: CAN STUDENTS IN HOMELESS SITUATIONS BE SENT TO SEPARATE SCHOOLS?

A: Most separate schools, including homeless only charter schools and classrooms in homeless shelters, are against the law. However, certain separate schools for homeless students are legal in a small number of communities in California and Arizona. Students in those communities cannot be forced to attend a separate school. They **can** choose to attend a regular school with non-homeless students.

Public schools cannot put students experiencing homelessness in separate classes or programs just because they are homeless.

Q & A: SPECIAL SERVICES

Q: CAN HOMELESS STUDENTS ACCESS PROGRAMS AND SERVICES OFFERED TO NON-HOMELESS STUDENTS?

A: Yes. Schools must make sure children and youth in homeless situations have equal access to school programs and services.

Q: WHAT TYPES OF PROGRAMS AND SERVICES ARE AVAILABLE?

A: Schools and districts may offer a variety of programs and services that must be made equally available to homeless students, including tutoring, before and after school programs, vocational education, and gifted and talented education. Homeless students must also have access to the following:

- **School meal programs**

Students in homeless situations automatically qualify for free breakfast and lunch at schools that offer meals as a part of the federal lunch program. Families do not have to fill out an application or provide proof of income. Liaisons and shelter providers can simply give school nutrition officials a list of homeless students who need meals.

- **Preschool**

Liaisons must ensure that homeless children have access to preschool programs such as Head Start, Even Start, and others. However, all homeless children may not be able to find a space in a preschool program. Liaisons often try to work with preschool providers to find solutions to this problem. Such solutions may include reserving spaces for homeless students.



- **Special education**

Schools must make sure students with disabilities, including preschool children, get the special education and related services they need.

Sometimes homeless students have trouble getting these services if they move or transfer schools frequently. However, federal special education law can help. To learn more, read the NLCHP booklet, "Connecting Homeless Students to Special Education Services: A Guide to Rights and Resources." The booklet is available online or you can call (202-638-2535) or e-mail (info@nlchp.org) to get a free copy.

• Title I Services

Title I is a federal law that gives schools money to educate disadvantaged students. Title I services often include extra academic help and resources such as tutoring. Children and youth in homeless situations must get Title I services no matter where they go to school, and school districts must set aside money to make sure homeless students get services.



Q & A: PRIVACY

Q: WHAT IF A FAMILY DOES NOT WANT ANYONE TO KNOW THAT THEY ARE HOMELESS OR ABOUT WHERE THEY ARE LIVING?

A: Federal law, the Family Educational Rights and Privacy Act (FERPA), requires schools and school districts to protect the privacy of students. Unless they have a parent's permission, schools can not give out any information about the student to people who are not involved in his/her education.

School employees such as homeless liaisons, attendance officers, principals, and teachers may be able to review the student information without permission.

Q: CAN SCHOOLS AND DISTRICTS CALL LANDLORDS, HOUSING AGENCIES, OR EMPLOYERS TO LEARN INFORMATION ABOUT A FAMILY'S HOUSING OR INCOME?

A: No. Schools and districts cannot call outside agencies and companies and have conversations where they reveal information included in student records, including information about a student being homeless or where the student is currently living. A parent must give permission before a school or district can give out any information. A parent always has the right to say no. If the parent says no, the student can still attend school.

Q & A: DISPUTES AND DISAGREEMENTS

Q: WHAT HAPPENS IF FAMILIES OR STUDENTS DISAGREE WITH DECISIONS MADE BY SCHOOLS?

A: Whenever there is a disagreement or dispute between

a school and a parent, guardian, or youth, the school must:

- Provide a written document explaining its decision and the student's or family's right to file an appeal;
- Allow students to enroll in their desired school and receive necessary services until the dispute is resolved
- Refer the student or family to the liaison who must help to resolve the dispute quickly.

Q: WHAT IF THE SCHOOL DISTRICT DOES NOT SETTLE THE DISPUTE?

A: States and school districts must follow McKinney-Vento. If students or families disagree with a school district decision or a school district fails to take action, students/families can:

- **Call their State Coordinator.** Every state has a State Coordinator who is required to ensure that all school districts in the state follow the McKinney-Vento Act. There is a list of State Coordinators at the end of this booklet. Updated listings are regularly posted on the website of the

National Center for Homeless Education (<http://www.serve.org/nche/downloads/sccontact.pdf>).

- **Call a lawyer for help.** A lawyer may be able to help students/families understand their rights and help schools understand their responsibilities. The following websites may be helpful in finding free legal services in your area:

- www.ptla.org
- www.lawhelp.org
- www.lsc.gov



Other resources include state bar associations and the National Law Center on Homelessness & Poverty.

- **Contact the U.S. Department of Education.** The Department can investigate states and school districts that do not follow the law. To reach the Department's Education for Homeless Children and Youths Program, call (202) 260-4412.

HELPFUL RESOURCES

If you continue to have questions about the law or need advice and assistance, the following organizations are helpful resources:

The National Law Center on Homelessness & Poverty

(202) 638-2535
www.nlchp.org

The National Association for the Education of Homeless Children & Youth

(202) 364-7392
www.naehcy.org

The National Center for Homeless Education

1-800-308-2145
www.serve.org/nche

Additional helpful resources for *special education* include:

Technical Assistance Alliance for Parent Centers

1-888-248-0822
www.taalliance.org

Council for Exceptional Children

1-866-915-5000

www.cec.sped.org

The following groups have information for and about *unaccompanied youth* :

The National Network for Youth

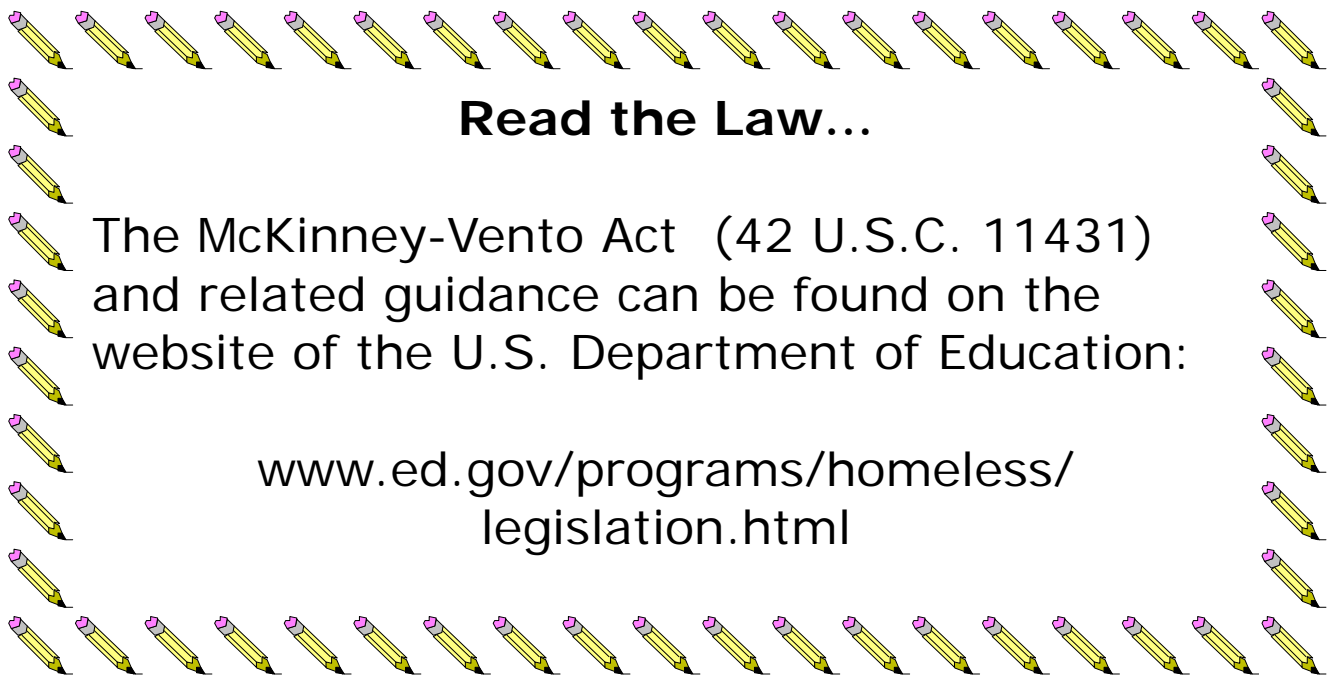
202-783-7949

www.nn4youth.org

Covenant House

1-800-999-9999 (Crisis Hotline for Teens)

www.covenanthouse.org



Read the Law...

The McKinney-Vento Act (42 U.S.C. 11431) and related guidance can be found on the website of the U.S. Department of Education:

www.ed.gov/programs/homeless/legislation.html

State Coordinators

For assistance with any issues related to the education of a homeless student, contact your school district and ask to speak to the homeless liaison. You may also contact your State Coordinator.

Visit www.serve.org/nche for the most current contact information.

ALABAMA

Dorothy Riggins
334-242-8199

ALASKA

Melora Gaber
907-465-8707

ARIZONA

Frank Migali
602-542-4963

ARKANSAS

Reginald Wilson
501-683-4497

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916-319-0383

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860-807-2058

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302-735-4273

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202-698-3321

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850-245-0668

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785-296-6714

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304-957-9833

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608-261-6322

WYOMING

Joe Rust
307-777-6260

Join our Membership Network

NLCHP's membership network is open to individuals and organizations that want to make a difference in the lives of homeless women, children, and men.

Your support allows us to protect the needs of society's most vulnerable members.

Membership with NLCHP assures you access to the latest information on issues affecting homeless people nationwide.

Please take this opportunity to join NLCHP's Membership network. You can join by visiting our website at:

www.nlchp.org/join_us.cfm

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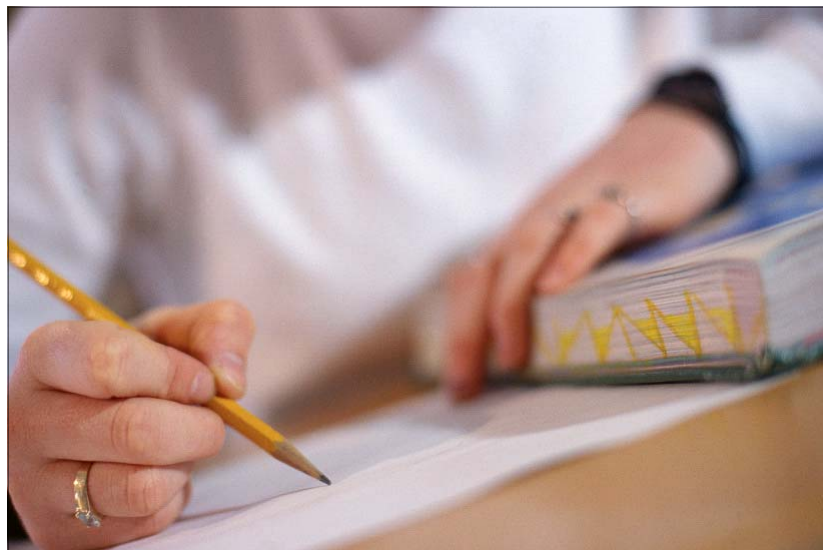
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NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

Connecting Homeless Students to
Special Education Services:

*A Guide to
Rights and Resources*



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Program Assistant

THE REASONS FOR THIS BOOKLET . . .

UNDERSTANDING CHILDREN AND YOUTH WITH SPECIAL NEEDS

Many children and youth experience physical (*e.g.*, blindness, speech problems) and learning disabilities (*e.g.*, dyslexia) that may make it difficult for them to reach their full potential. However, schools can change classrooms and education plans to meet their unique needs, providing them the best possible opportunity to succeed.

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

In 1975, Congress passed a federal special education law that was later called the Individuals with Disabilities Education Act (IDEA). IDEA allows students with disabilities to have their own Individualized Education Programs (IEPs) to meet their special needs.

HOMELESS STUDENTS WITH DISABILITIES FACE GREAT CHALLENGES

In 2000, the United States Department of Education reported that homeless students have trouble accessing special education services in at least half of the states. Changing schools frequently and not knowing their rights are two reasons that students in homeless situations may not receive the help they need in school.

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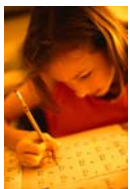
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Q & A: IDEA BASICS

Q: WHAT IS IDEA?

A: The Individuals with Disabilities Education Act (IDEA) is the main federal law guiding special education. Special education is specially-designed instruction to meet the needs of individual students. IDEA also allows for related services, which include transportation, speech or language therapy, physical therapy, psychological services, counseling, medical services, recreation, and other needed services. Schools must provide these services to those students who need them to benefit from a special education program.

Q: WHICH STUDENTS ARE COVERED UNDER IDEA?

A: IDEA protects all students who need special education and related services, including those who are homeless. Children suspected of having a disability also are protected. In order to benefit from special education, students must be between the ages of 3 and 21. However, IDEA does fund special services for some children beginning at birth.

Q: WHAT DISABILITIES ARE COVERED UNDER IDEA?

A: IDEA provides rights to students with various disabilities, including (but not limited to) the following:

- ◆ Mental retardation
- ◆ Hearing and vision impairments
- ◆ Speech and language problems
- ◆ Learning disabilities (*e.g.*, dyslexia)
- ◆ Emotional problems
- ◆ Autism

Q: WHO MAKES SPECIAL EDUCATION DECISIONS ?

A: Under IDEA, a parent must usually agree to have a student tested for a disability and parent agreement is required for participation in special education services. However, the law says the following people can be considered parents:

- ◆ Birth or natural parent
- ◆ Adoptive Parent
- ◆ Foster Parent
- ◆ Guardian
- ◆ A person who acts as a parent and has the student living in his or her home—possibly a grandparent or other relative
- ◆ A surrogate parent selected by the school district or a judge

Q: HOW DO STUDENTS GET INTO SPECIAL EDUCATION?

A: Schools and districts must follow IDEA's "child find" rule. This rule requires states to find all students with disabilities. In order to do so, schools should pay attention to all children, including those who are homeless, and look for problems with classroom performance and behavior that may suggest a disability. If there is a problem, schools should then reach out to a parent and suggest that the student be tested for a disability.

Q: WHAT IF I THINK A HOMELESS STUDENT HAS A DISABILITY BUT THE SCHOOL HAS NOT NOTICED?

A: If a parent or other helpful adult thinks a child or youth has a disability, he or she may want to talk to the child's teacher. A parent can also ask the school to do evaluations/tests. In doing so, a parent should do the following:

- ◆ Put the request in writing
- ◆ Put a date on the request
- ◆ Give a copy of the request to the school principal or guidance counselor

IDEA requires schools to provide all necessary tests. Schools will have to finish testing within 60 days unless the state has another rule in place. Ask the student's school or school district special education office if your state follows a different timeline.

Q: THE TESTS HAVE BEEN TAKEN; NOW WHAT?

A: If the tests or evaluations show that the child may have a disability, the school should hold an IEP (Individualized Education Program) meeting. The meeting is a time to discuss test results, the educational needs of the student, and an IEP plan to address those needs. It should include a special education teacher, the student's regular education teacher, disability experts, a parent, and any lawyer or other advocate that the parent wants to bring along.

Q: WHAT IS IN THE IEP?

A: The IEP includes information about the class or classes in which the student will be placed. IEPs should ensure that students spend as much time as possible in classes and activities with regular education students. The IEP also may list other necessary services, such as transportation and specific therapy. Finally, the IEP must include educational goals and a list of ways to show that those goals are being reached.

Q: DO SCHOOLS EVER RETEST OR RECONSIDER IEPs?

A: Parents can ask for retesting at any time. If they do not ask, schools must retest every 3 years or after a shorter time if they believe it to be necessary. Schools and parents must review an IEP at least once a year or whenever they believe the child's special education needs have changed.



Q & A: BEYOND IDEA BASICS

Q: WHAT HAPPENS IF HOMELESSNESS CAUSES A STUDENT TO MOVE FREQUENTLY AND CHANGE SCHOOLS OFTEN?

A: Students who have been placed in special education have the right to receive similar services in each new school they attend. Youth, parents, and other helpful adults can help in this process by immediately informing new schools that the student was enrolled in special education at their old school. Sometimes, new schools will want to do new tests, hold new IEP meetings, and possibly create a new IEP. Parents still must be a part of these decisions.

Q: WHAT IF A STUDENT MOVES WHILE BEING TESTED AND BEFORE BEING PLACED IN SPECIAL EDUCATION?

A: If old schools have begun testing for special education, new schools

must finish the job. Both schools must finish their evaluations within 60 days unless the state has another timeline in place. New schools may ask parents for permission to extend the deadline, but parents must agree to any extensions. Schools also must make sufficient progress toward completing the testing. Parents, other helpful adults, and youth can help in this process by immediately informing new schools that the student was being considered for special education in the old school. Finally, parents should avoid extending a deadline if the student has been waiting a long time for services

Q: WHAT HAPPENS IF PARENTS FORGET TO TELL A SCHOOL ABOUT THEIR CHILD'S SPECIAL EDUCATION HISTORY? HOW WILL THE SCHOOL FIND OUT ABOUT IT?

A: IDEA and the federal McKinney-Vento homeless education law (see pages 13-14) require new schools to immediately request records from old schools. Old schools must immediately send those records to new schools. Those records should include any and all information about a student's special education needs.

Q: WHAT IF A STUDENT HAS DISCIPLINE PROBLEMS?

A: IDEA has discipline rules that apply when a special education student is suspended for more than 10 days. A student's IEP team

must meet and make a “manifestation determination,” which is a judgment about whether the student’s behavior was caused by his or her disability. If the behavior was a result of the disability, the student will not be suspended and the IEP team will change the IEP to better fit the needs of the student. However, there are exceptions to this rule—student behavior that involves drugs, weapons, or serious bodily injury can lead to suspensions of up to 45 school days even if this behavior is caused by a disability.

Q: WHAT HAPPENS TO STUDENTS WHOSE DISCIPLINE PROBLEMS ARE NOT CAUSED BY THEIR DISABILITIES?

A: Students who have behavior problems that were not caused by their disabilities can be suspended or expelled. Schools will apply the same rules to them as they apply to students in regular education. Parents have the right to appeal to a special education hearing officer if they disagree with the IEP team and believe that the behavior problems were caused by a disability.

Q: WHERE DO CHILDREN AND YOUTH GO WHEN THEY ARE SUSPENDED?

A: Schools must place suspended students in an alternative school, classroom, or other setting. Alternative settings are required to provide students with an education that helps them to reach the goals that are in their IEPs.

Q: HOW CAN UNACCOMPANIED YOUTH GAIN ACCESS TO SPECIAL EDUCATION?

A: Youth who are living on their own (e.g. in teen shelters or with friends) cannot enroll themselves in special education or request necessary evaluations or tests. If the youth is living with an adult who is acting in the role of a parent (perhaps a grandparent or the parent of a friend), that adult can agree to special education testing, placements, and services. Youth who do not have such adults in their lives should ask their school districts to appoint a “surrogate parent.” Helpful adults such as local homeless liaisons, teachers, counselors, social workers, or youth program workers may also suggest that school districts appoint surrogates.

Q: WHO ARE THE SURROGATE PARENTS?

A: Surrogate parents can be individuals who know the youth, such as a family friend or relative. A surrogate also can be a member of the community who was previously unknown to the youth. Surrogates are selected by school districts and some communities require that they receive some training beforehand.

Q: HOW MUCH TIME DOES A DISTRICT HAVE TO RESPOND TO A REQUEST FOR SURROGATE PARENTS?

A: School districts should appoint a surrogate within 30 days.



Q & A: SPECIAL IDEA SERVICES

Q: IF A STUDENT MISSES A LOT OF SCHOOL DUE TO HOMELESSNESS, IS THERE ANY WAY THAT IDEA CAN HELP HIM/HER MAKE UP FOR LOST TIME?

A: The extended school year rule gives students the right to attend summer school if they need such services due to a disability and have it listed in their IEPs. Students in homeless situations often fall behind in school when they miss days due to their homelessness. An extended school year can help students with disabilities make up days they may have missed.

Q: CAN CHILDREN AND YOUTH WHO DO NOT HAVE DISABILITIES RECEIVE SERVICES UNDER IDEA?

A: Yes, some students can receive services that are aimed at preventing later placement in special education. These “early intervening” services may include tutoring and reading help. Such programs may be useful to homeless students who miss school due to

frequent moves. However, not all school districts participate in the early intervening services program. You should ask your school district's special education office if it offers such services.

Q: DOES IDEA HELP WITH TRANSPORTATION?

A: Although the federal McKinney-Vento homeless education law requires school districts to provide transportation in certain situations, getting to school is still a problem for some homeless students. IDEA requires that transportation be provided to those students who need such services due to a disability and have it listed in their IEPs.



**Q & A: NON-COMPLIANCE
WITH IDEA**

Q: WHAT IF A SCHOOL DOES NOT FOLLOW IDEA?

A: If a school does not evaluate a student, does not complete an IEP, does not provide appropriate services, or does not follow any other part of IDEA, parents should make the school aware of their concerns and potentially ask for a mediator (or outside person) to help

them work out their problems with the school. If possible, parents should talk to an attorney or other advocate before asking for a mediator. If parents continue to be concerned, they can ask for a special education hearing. Schools and districts must provide parents with information about how to get started with this process.

Q: HOW DO I PREPARE FOR A HEARING?

Parents can and should ask attorneys to represent them at the hearing or seek advice and assistance from others who are knowledgeable about the process. In many communities, such services can be obtained free of charge. Information about connecting to these resources is available on the next page. If parents can not find assistance or want to prepare for a hearing on their own, they should:

- ◆ Read any information about hearings that the school or the school district special education office provides.
- ◆ Gather and review all of the student's education records.
- ◆ Write a short statement about why the school is wrong, ending with a list of things you now want the school to do—this will probably be a part of your hearing request.
- ◆ Prepare to tell the above information to a hearing officer.

Q: WHAT CAN I DO IF I WANT TO REVIEW THE SCHOOL'S RECORDS?

A: Parents who want to review student records in preparation for a hearing, or for any other reason, can simply ask the school to make the records available. Schools are required to allow parents to review those materials.



NEED HELP?

The following resources are useful to those who believe that their school district is not following special education law and are thinking about requesting a special education hearing:

◆ Technical Assistance Alliance for Parent Centers:

Toll free assistance for special education questions and web-based listings of parent resource centers.

Phone: 1-888-248-0822

Website: www.taalliance.org

◆ Council of Parent Attorneys and Advocates (COPAA):

Organization of advocates who assist individuals with disability rights issues.

Website: www.copaa.org



OTHER USEFUL LAWS

In addition to IDEA, there are other federal laws that can help homeless students with disabilities:

- ◆ Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act guard the rights of students who face discrimination based on their disabilities. Both laws generally require that students be provided with a free appropriate public education, including special education. Unlike IDEA, they also apply to students with disabilities who require special accommodations (*e.g.*, wheelchair ramps), but not specialized instruction.
- ◆ The McKinney-Vento Homeless Assistance Act is the main federal homeless education law. It can be useful in preventing special education difficulties that result from unnecessary school transfers and enrolling in new schools. McKinney-Vento protects all students who do not have a fixed, regular, and adequate nighttime residence, such as those living in:
 - ⇒ Doubled-up housing with other families or friends
 - ⇒ Runaway/homeless youth shelters (even if parents invite the youth home)
 - ⇒ Hotels or motels

- ⇒ Shelters, including domestic violence shelters
- ⇒ Transitional housing shelters
- ⇒ Cars, abandoned buildings, parks, the streets, or other public spaces
- ⇒ Campgrounds or inadequate trailer homes

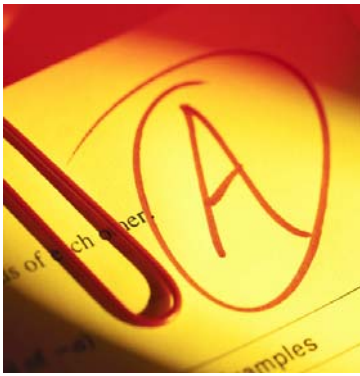
The McKinney-Vento Homeless Assistance Act requires states and school districts to ensure that students in homeless situations can attend and succeed in public school. Schools must immediately enroll students, even if they do not have proof of residency, school and immunization records, birth certificates, or other documents. Students also have the right to stay at their school even if their lack of housing forces them to move out of an attendance zone or a school district. Schools must provide necessary transportation.

Should you want to read the law...

The U.S. Department of Education has most federal education laws on its website (www.ed.gov). You may also refer to the Legal Information Institute to find statutes (www4.law.cornell.edu/uscode) and regulations (www4.law.cornell.edu/cfr).

Laws mentioned in this pamphlet are identified as follows:

- | | |
|-------------------------------|---|
| 1) IDEA: | 20 U.S.C 1400 (statute)
34 C.F.R 300 (regulations) |
| 2) McKinney-Vento Act: | 42 U.S.C 11431 (statute) |
| 3) Section 504: | 29 U.S.C 794 (statute)
34 C.F.R 104 (regulations) |
| 4) Title II: | 42 U.S.C 12131 |



FURTHER RESOURCES

To learn more about IDEA or special education, visit the following websites:

- ◆ **U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS):**
www.ed.gov/about/offices/list/osers
- ◆ **Council for Exceptional Children:**
www.cec.sped.org
- ◆ **National Disability Rights Network (NDRN):**
www.ndrn.org
- ◆ **The EDLAW Center, Inc.:**
www.edlaw.net

To learn more about homeless education and related issues, visit the following websites:

- ◆ **The National Law Center on Homelessness & Poverty**
www.nlchp.org
- ◆ **The National Association for the Education of Homeless Children & Youth (NAEHCY)**
www.naehcy.org
- ◆ **The National Center for Homeless Education**
www.serve.org/nche

If you experience any problems with school enrollment or attendance of a child or youth experiencing homelessness, you should immediately call your school district and ask to speak to your local homeless coordinator. You also may contact your State Coordinator.

State Coordinators

ALABAMA
Dorothy Riggins
334-242-8199

DELAWARE
Joanne Miro
302-739-2767 x3284

IOWA
Ray Morley
515-281-3966

ALASKA
Sondra Meredith
907-465-8706

FLORIDA
Betty Applewhite
850-245-0709

KANSAS
No Contact Person
785-296-6714

ARIZONA
Mattie McVey
602-542-4963

GEORGIA
David Davidson
404-651-7555

KENTUCKY
Mary Marshall
502-564-3791

ARKANSAS
Susan Underwood
501-682-4847

HAWAII
Judy Tonda
808-394-1394

LOUISIANA
Deidre Kibbe
225-342-5688

CALIFORNIA
Leanne Wheeler
916-319-0383

IDAHO
Jan Byers
208-332-6953

MAINE
Shelley Reed
207-624-6637

COLORADO
Margie Milenkiewicz
303-866-6930

ILLINOIS
Rich DeHart
217-782-2948

MARYLAND
Walter E. Varner
410-767-0293

CONNECTICUT
Louis Tallarita
860-807-2058

INDIANA
Christina Endres
317-232-0548

MASSACHUSETTS
Peter Cirioni
781-338-6294

MICHIGAN

~~Mike McGraw~~
~~517-241-8369~~

MINNESOTA

Tom Gray
651-582-8282

MISSISSIPPI

Gloria White Adams
601-359-3499

MISSOURI

Amy James
573-522-8763

MONTANA

Terry Teichrow
406-444-2036

NEBRASKA

Roger Reikofski
402-471-2968

NEVADA

Jacquelyn Moore
775-687-9248

NEW HAMPSHIRE

Lynda Thistle Elliott
603-271-3840

NEW JERSEY

Danielle Anderson Thomas
609-984-4974

NEW MEXICO

Joseph Sanchez
505-827-1805

NEW YORK

Patricia McGuirk
518-473-1236

NORTH CAROLINA

Debra McHenry
919-807-3941

NORTH DAKOTA

Ann Ellefson
701-328-2292

OHIO

Thomas Dannis
614-466-4161

OKLAHOMA

Amy Davis
405-522-3251

OREGON

Dona Horine Bolt
503-378-3600 x2727

PENNSYLVANIA

Sheldon Winnick
717-772-2813

PUERTO RICO

Esperanza Vega
787-759-8910 x210

RHODE ISLAND

Janice Stavros
401-222-4600 x2207

SOUTH CAROLINA

Brenda Myers
803-734-3215

SOUTH DAKOTA

Laura Johnson Frame
605-773-2491

TENNESSEE

Janice Routon
615-532-6314

TEXAS

Barbara James
512-475-8765

UTAH

Kreig Kelley
801-538-7975

VERMONT

Wendy Ross
802-828-5148

VIRGINIA

Patricia Popp
757-221-7776

WASHINGTON

Melinda Dyer
360-725-4968

WEST VIRGINIA

Lisa Burton
304-558-8830

WISCONSIN

Mary Maronek
608-261-6322

WYOMING

Carolee Buchanan
307-777-3562

You can make a difference in the lives of homeless children and families by becoming a member of the National Law Center on Homelessness & Poverty

You are invited to join the network of attorneys, students, advocates, activists and committed individuals who make up NLCHP's membership network. The network provides a forum for individuals, non-profits, and corporations to participate and learn more about using the law to advocate for solutions to homelessness.

NLCHP Members also receive the following benefits:

- ◆ Free electronic copies of NLCHP reports e-mailed when each report is released
- ◆ A free paper copy of NLCHP reports upon request
- ◆ 45% discount on registration for monthly NLCHP audio trainings
- ◆ 10% discount on registration for NLCHP conferences, forums, & workshops
- ◆ Access to NLCHP program attorneys and members through **members-only list serve** that will give you the opportunity to communicate with NLCHP staff attorneys and advocates from around the country, as well as:
 - NLCHP's **monthly e-updates**
 - Invitations to upcoming **conferences and events**.
 - Timely legislative **action alerts**.
 - Notice of **internship and volunteer opportunities**.

To become a member, go to **www.nlchp.org**
or give us a call at (202) 638-2535.

JOIN US

The National Law Center on Homelessness & Poverty serves as the legal arm of the national movement to alleviate, prevent and end homelessness.

The Law Center publishes investigative reports, fact sheets and a monthly e-newsletter. Our work is cited in the press and is used by national policy makers and the general public.

To receive a listing of our publications, including many works on the Education of Children and Youth Experiencing Homelessness, please contact us through the information below.

We would like to thank our Anonymous Donor, the Kellogg Foundation, the Freddie Mac Foundation and the Butler Family Fund for their support of our work with children in homeless situations.

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NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

FERPA and Homeless Students: Understanding and Applying the Law

FERPA, the Family Educational Rights and Privacy Act (20 USC 1232g), is the primary federal law governing education records. It seeks to protect individual student privacy while securing parental rights to view education records. This fact sheet provides an overview of the legislation while explaining its relevance to the education of homeless children and youth.

OVERVIEW

FERPA's primary provisions include the following:

- ▶▶ **Parental Access to Records.** Parents have the right to inspect and review the education records of their children. They can review records maintained by both the school district and the state education department. States and districts must establish a reasonable timeframe for granting access to records, but in no case can that timeframe be more than 45 days. 20 USC 1232g(a)(1).
- ▶▶ **Non-Parental Access to Records.** Educators must obtain the parental permission prior to releasing education records or personally identifiable information to a third party. Parental permission for the release of records is **not** required for certain individuals and entities, including:
 - 1) School or school district officials, including teachers, who have a legitimate educational interest in the student. The agency holding the records is responsible for determining who has a legitimate interest.
 - 2) Officials of other schools or school systems in which the student is seeking to enroll. Parents must be notified of the transfer of records and receive a copy of the record if desired.
 - 3) State education department officials and the Secretary of the U.S. Department of Education when such information is necessary to audit or evaluate a federally-supported education program.
 - 4) Entities/Individuals associated with applications for, and receipt of, financial aid.
 - 5) Organizations conducting studies for an educational agency for the purpose of developing, validating, or administering predictive tests or improving instruction.
 - 6) Accrediting organizations.
 - 7) Entities/Individuals, connected with an emergency, who must receive student information to protect the health or safety of the student or other persons. 20 USC 1232g(b)(1).
- ▶▶ **Directory Information.** General directory information such as the student's name, address, telephone listing, date and place of birth, etc. can be released without specific permission. However, districts must inform parents of the categories of information in the directory and provide an opportunity to opt-out of the release of such information
- ▶▶ **Notice of Rights.** Parents must be informed of their FERPA rights on an annual basis. 34 CFR 99.7.
- ▶▶ **Right to Appeal.** Parents have the right to a local agency hearing in the event that they want to challenge the content of education records or assert a violation of a student's privacy rights. 20 USC 1232g(a)(2). Parents may also file FERPA-related complaints with the Family Policy Compliance Office at the U.S. Department of Education (<http://www.ed.gov/policy/gen/guid/fpc>). 20 USC 1232g(g).

ARE THERE ANY SPECIAL RULES FOR TRANSFERRING RECORDS BETWEEN SCHOOLS?

As noted above, FERPA allows records to be transferred between schools (without parental permission) when a student seeks to enroll in a new school. 20 USC 1232g(b)(1)(B). The McKinney-Vento Homeless Assistance Act requires that the school records of homeless students be maintained so that they are available, in a timely fashion, when a student enters a new school or school district. 42 USC 11432(g)(3)(D). Enrolling schools must immediately request records from the previous school. 42 USC 11432(g)(3)(C)(ii). Finally, McKinney-Vento requires that students be immediately enrolled in school and attending classes even if their education records are awaiting transfer or they are lacking other documents typically required for enrollment. 42 USC 11432(g)(3)(C)(i).

ARE PARENTS ENTITLED TO COPIES OF STUDENT RECORDS?

In general, FERPA speaks of a parent's right to "inspect and review" student records. 20 USC 1232g(a)(1)(A). There is no general right to receive a copy unless the state or school district has created such a right on its own. However parents can request, and are entitled to receive, an actual copy of the records if the student enrolls in a new school or school district and his/her records are transferred. 20 USC 1232g(b)(1)(B). It may be helpful to advise homeless parents to always obtain copies of school records so that they may immediately present them to new schools upon enrollment. Such action would allow schools to make more appropriate class and program placements while they await official records from the previous school.

ARE PARENTS REQUIRED TO PAY ANY FEES WHEN ACCESSING RECORDS?

Schools, school districts, and states **may not** charge a fee for searching or retrieving education records. 34 CFR 99.11(b). They **may not** charge a fee for copies if doing so would prevent a parent from exercising the right to inspect and review education records. 34 CFR 99.11(a).

WHICH AGENCY PERSONNEL CAN ACCESS RECORDS INFORMATION RELATED TO HOMELESSNESS?

School and school district officials with a legitimate educational interest in homeless students may access their files without parental permission. This list would likely include the school district homeless liaison and support staffers, transportation coordinators (who arrange school of origin transportation), school meal coordinators (who process paperwork for homeless students' automatic eligibility for free school meals, Title I program coordinators (who may share responsibilities for certain programming for homeless students), and preschool providers (who prioritize homeless children for enrollment). Other individuals having access to homeless student files include state coordinators of homeless education and officials at the U.S. Department of Education who are monitoring and evaluating state and local homeless education programs.

ARE THERE FERPA-RELATED CONCERNS ABOUT PROVIDING INFORMATION ABOUT HOMELESS STUDENTS TO THIRD PARTIES?

Homeless liaisons and state coordinators often partner with other agencies (*e.g.*, housing authorities, social services agencies that provide shelter), organizations (*e.g.*, non-profits providing services or program funding), and individuals (*e.g.*, host families, relatives) to provide comprehensive services to homeless families. Some educators seek to verify homeless status or eligibility for services by contacting similar individuals/entities. In conducting such activities, educators must be careful not to release personally identifiable information about the student/family unless they first have the permission of a parent. 20 USC 1232g(b)(1).

Sharing personal information from a student's education record not only violates FERPA, but could impair the well-being of the child or family. For instance, providing a housing authority with information about the living situation of a homeless family that is doubled-up in public housing may jeopardize the permanent housing of the host family (due to the breaking of occupancy rules associated with the lease), and thus the temporary housing of the homeless family. Also, third parties may share such information with other members of the community, which could lead to playground teasing and stigmatization of homeless students.

ARE THERE SPECIAL CONSIDERATIONS FOR UNACCOMPANIED YOUTH?

There are certain FERPA provisions that have a special relevance for unaccompanied youth:

- ▶ Typically, FERPA rights (inspecting and reviewing records, granting permission for third party review) belong to the parent rather than the student. However, the FERPA definition of "parent" includes "a parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian." 34 CFR 99.3. Thus, schools can allow individuals "acting as a parent" to access education records, including report cards, attendance records, etc.
- ▶ Youth who reach the age of 18 can assume FERPA rights for themselves. 34 CFR 99.5.
- ▶ As noted above, schools can transfer records to enrolling schools even if they don't have parental permission. 20 USC 1232g(b)(1)(B). This rule also applies to unaccompanied youth.

ARE THERE SPECIAL CONSIDERATIONS FOR STUDENTS INVOLVED IN DOMESTIC VIOLENCE SITUATIONS?

There are certain FERPA provisions that have a special relevance for domestic violence survivors:

- ▶ Both parents of a student have the right to inspect and review education records. 20 USC 1232g(a)(1)(A). Further, FERPA requires educational agencies to maintain a record indicating all individuals, agencies, or organizations, which have requested or obtained copies of a student's education records. 20 USC 1232g(b)(4)(A). This information must be included with the student's other education records. 20 USC 1232g(b)(4)(A). Unfortunately, this ability to access records may assist an abusive parent in finding children and abuse victims who have fled a domestic violence situation. Families should be warned of this possibility.
- ▶ FERPA regulations indicate that an abusive parent can be denied access to education records if there is a court order, State statute, or legally binding document that specifically revokes the abusive parent's rights. 34 CFR 99.4. Outreach to domestic violence service providers (e.g., shelters) and attorneys working with domestic violence survivors is necessary to ensure that they work to include provisions about education records in protective orders.
- ▶ A few states have helpful statutes that specifically address the intersection of education records, abusive parents, and protection orders. For instance, in Massachusetts, once a protection order is granted, the abusive parent is automatically denied access to education records even if the order doesn't specifically mention education records. MGLA 71 § 34H(a). Illinois' protection order statute specifically lists "prohibition of access to records" as a potential item to be included in a protection order, which encourages judges to consider the issue of school records when issuing such orders. 750 ILCS 60/214.

More information is available through the National Law Center on Homelessness & Poverty: (202) 638-2535, info@nlchp.org, www.nlchp.org.

**EDUCATION FOR HOMELESS CHILDREN AND YOUTH PROGRAM
TITLE VII-B OF THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT,
AS AMENDED BY THE NO CHILD LEFT BEHIND ACT OF 2001**

NON-REGULATORY GUIDANCE

L. Local Uses of Funds

L-1. For what activities may an LEA use McKinney-Vento subgrant funds?

LEAs must use McKinney-Vento funds to assist homeless children and youth in enrolling, attending, and succeeding in school. In particular, the funds may support the following activities:

- (1) Tutoring, supplemental instruction, and other educational services that help homeless children and youth reach the same challenging State content and State student performance standards to which all children are held. As clearly specified in the ESEA, as reauthorized by the NCLB Act, all academic enrichment programs for disadvantaged students, including programs for homeless students, must be aligned with State standards and curricula. Additionally, when offering supplemental instruction, LEAs should focus on providing services for children and youth that reflect scientifically based research as the foundation for programs and strategies to ensure academic success.
- (2) Expedited evaluations of eligible students to measure their strengths and needs. These evaluations should be done promptly in order to avoid a gap in the provision of necessary services to those children and youth. Evaluations may also determine a homeless child or youth's eligibility for other programs and services, including educational programs for gifted and talented students, special education and related services for children with disabilities, English language acquisition, vocational education, school lunch, and appropriate programs or services under ESEA.
- (3) Programs and other activities designed to raise awareness among educators and pupil services personnel of the rights of homeless children and youth under the McKinney-Vento Act, and the special needs such children and youth have as a result of their homelessness.
- (4) Referrals of eligible students to medical, dental, mental, and other health services.
- (5) Paying the excess cost of transportation not otherwise provided through Federal, State, or local funds, to enable students to attend schools selected under section 722(g)(3) of the McKinney-Vento Act.
- (6) Developmentally appropriate early childhood education programs for homeless children of preschool age that are not provided through other Federal, State, or local funds.
- (7) Services and assistance to attract, engage, and retain homeless children and youth, and unaccompanied youth, in public school programs and services provided to non-homeless children and youth.
- (8) Before- and after-school programs, mentoring, and summer programs for homeless children and youth. Qualified personnel may provide homework assistance, tutoring, and supervision of other educational instruction in carrying out these activities.

- (9) Paying fees and costs associated with tracking, obtaining, and transferring records necessary for the enrollment of students in school. The records may include birth certificates, guardianship records, immunization records, academic records, and evaluations of students needed to determine eligibility for other programs and services.
- (10) Education and training programs for parents of homeless children and youth regarding the rights their children have as homeless individuals and regarding the educational and other resources available to their children.
- (11) Programs coordinating services provided by schools and other agencies to eligible students in order to expand and enhance such services. Coordination with programs funded under the Runaway and Homeless Youth Act should be included in this effort.
- (12) Pupil services programs providing violence prevention counseling and referrals to such counseling.
- (13) Programs addressing the particular needs of eligible students that may arise from domestic violence.
- (14) Providing supplies to non-school facilities serving eligible students and adapting these facilities to enable them to provide services.
- (15) Providing school supplies to eligible students at shelters, temporary housing facilities, and other locations as appropriate.
- (16) Providing extraordinary or emergency services to eligible students as necessary to enroll and retain such children and youth in school.

McKinney-Vento Homeless Assistance Act SEA Guidance on Awaiting Foster Care Placement

Issued February 2009

The Homeless Education Office at the Michigan Department of Education (MDE) has frequently been asked by District Homeless Liaisons to provide guidance on the definition of “awaiting” versus “permanent” foster care placement.

The McKinney-Vento Act of 2001 specifically covers children awaiting foster care placement [42 U.S.C. §1434A(2)(B)(i)]. However, the Act does not define that phrase. Federal guidance recommends that educators and advocates consult state laws, regulations and policies (in both education and social services).

Due to the temporary nature of foster care placements, in general, the MDE Homeless Education Office will consider a foster care placement temporary until a child/youth has been in the care of the same foster parent for a minimum of six continuous months.

If the child/youth is in foster care, temporary care, or an emergency placement, it is the Department’s expectation that the child/youth remain in his school of origin, whenever feasible, if doing so is in the child’s best interest. The child/youth would be able to complete the remainder of the current school year in this school, under McKinney-Vento guidelines. If the six months of a foster care placement span across the months between school years, the student would still be considered homeless at the start of the next school year, and be eligible for continued McKinney-Vento services for this school year, as well.

The school district an eligible student attends is obligated to provide transportation and other support services for children awaiting foster care placement, under the McKinney-Vento Homeless Act. If the attended district is not the district of residence for the foster care facility/home, the two districts must share transportation responsibilities or costs, as stated in McKinney-Vento legislation, for the student until the end of the current school year or until the placement has been stable for the minimum of six months.

The District Homeless Liaison will:

1. Facilitate immediate enrollment and participation, as well as school transportation (if needed) and other homeless education services available for those children awaiting foster care placement, as defined above.
2. Facilitate collaboration between school systems, state agencies, and contract providers regarding school transportation to share responsibilities and costs.
3. Coordinate services with any involved state agency case manager and/or foster parent or temporary guardian identified by the state agency.
4. Seek guidance as needed from the State Coordinator of Homeless Education.



Written Notification of Local District Level Determination Regarding Homeless Children and Youth

To be completed by the receiving school when a complaint is filed over a determination or decision made by a local school district regarding the education of a homeless child or youth.

Date: _____ District: _____

District McKinney-Vento Liaison: _____

Person & title of completing form (if different): _____

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

Name of Parent(s)/Guardian(s): _____

Name of Student(s): _____

- _____ Unaccompanied homeless youth
- _____ Child/youth in out-of-home care/foster care
- _____ Student with an Individualized Education Plan (IEP)

After reviewing your request for _____

for the student(s) listed above, the request is denied. This determination was based upon:

You have the right to appeal this decision by completing the second page of this notice or by contacting the district's McKinney-Vento Homeless Education Liaison:

District McKinney-Vento Liaison: _____

Phone: _____ Email: _____

In addition:

- The student listed above has the right to enroll immediately or continue enrollment in the requested school, pending the resolution of the dispute.
- You may provide written or verbal communication(s) to support your position regarding the student's enrollment in the requested school, continuing the dispute resolution process. The attached form should be used for this notification.
- You may contact the State Coordinator for Homeless Education if further help is needed or desired.

State Coordinator for Homeless Education
Michigan Department of Education
Office of Field Services, Special Populations Unit
P.O. Box 30008
Lansing, MI 48909
517-241-1162
kies-lowep@michigan.gov

*You may seek the assistance of advocates or an attorney.
A copy of our state's dispute resolution process for students experiencing homelessness is attached.*



Written Notification of Appeal for Determinations Regarding Homeless Children and Youth

To be completed by the parent, guardian, caretaker, or unaccompanied youth when a determination or decision is made regarding the education of a homeless child or youth. This information may be shared with the District McKinney-Vento Liaison verbally, by email or by fax.

Date: _____ District: _____

District McKinney-Vento Liaison: _____

Name of Parent(s)/Guardian(s): _____

Name of Student(s): _____

Person (& title) completing form (if different): _____

Relationship to student(s), or self if unaccompanied youth: _____

I may be contacted at (phone/email/fax): _____

I wish to appeal the decision - regarding the education of the homeless student(s) named above – which was made by the

_____ Local School District Liaison or Superintendent

_____ Local School Board

_____ Director of MDE Office of Field Services

_____ MDE Deputy Superintendent

I have been provided with (please check all that apply):

_____ A written explanation of the school's decision

_____ The contact information of the District McKinney-Vento Homeless Education Liaison

_____ A copy of the state's dispute resolution process for students experiencing homelessness

_____ **I understand that the student(s) above have the right to be enrolled or continue enrollment in the school requested until the dispute resolution process is completed.**

Optional: You may include a written explanation in the space below to support your appeal.

Submit this form or verbally share this information with the State Coordinator for Homeless Education:

Mail -
State Coordinator for Homeless Education
Michigan Department of Education
Office of Field Services, Special Populations Unit
P.O. Box 30008
Lansing, MI 48909

Email: kies-lowep@michigan.gov

Fax: 517-335-2886

Dispute Resolution Procedure

*For the Education for Homeless Children and Youth
Based upon the McKinney-Vento Homeless Assistance Act
Title X-C of the No Child Left Behind Act of 2001*

The McKinney-Vento Homeless Assistance Act acknowledges that disputes may arise between the school district and homeless students and their parents/guardians when the student is placed in a school other than the one requested. Guidance for eligibility and school selection is provided in the law and by state education agencies. The law includes dispute resolution among the required duties of the District McKinney-Vento Liaison.

The following procedures are specified in the Act:

- ❖ **Enrollment:** Immediately enroll the homeless student in the school preferred by the parents until the dispute is settled.
- ❖ **Written explanation:** Provide a written explanation of the school placement decision to the parent/guardian or unaccompanied youth.
- ❖ **Liaison:** The designated District McKinney-Vento Liaison is assigned to carry out the dispute resolution process in an expeditious manner.
- ❖ **District:** It is the responsibility of the school district to inform the parents/guardians of homeless students of Dispute Resolution Procedures.

The Michigan Department of Education Homeless Education Program Office has adopted a dispute resolution process. In a case where a disagreement occurs regarding the education of a homeless child or youth, the following process should be used:

Local Level: Every effort must be made to resolve the complaint or dispute at the local level before it is brought to the Michigan Department of Education (MDE).

Each school district is required to have a designated liaison to identify and serve students in homeless situations, as well as a staff person in every school and in the district central office able to identify and direct parents, students, and the public to this Liaison. If a disagreement or complaint concerning the education of the homeless child arises, the first person to contact is the District McKinney-Vento Liaison, who will provide a copy of the district or state dispute resolution procedure and take the following steps:

- The District McKinney-Vento Liaison should discuss the disagreement with the complainant and provide the complainant with copies of any policies that the local Board of Education has adopted concerning the education of homeless children and youth.
- The District McKinney-Vento Liaison should make a determination as to whether the requested services for the homeless student are consistent with local school board policies.

Dispute Resolution Procedure, Page Two

- If the disagreement is not resolved at this point, the complainant will be advised to present it in writing to the District Liaison.
- A written proposed resolution of the complaint or plan of action is to be provided to the complainant within five (5) days of the date of receipt of the written complaint.
- If the complaint is not resolved at this level within five (5) days, it should be taken to the superintendent of the district the student is attending or wishes to attend. An appointment will be made for the complainant to meet with the superintendent to discuss the complaint. At the end of the discussion with the superintendent, a written resolution will be provided by the district within five (5) days of the date of the discussion.
- If the complaint is still not resolved, it may be possible to appeal to the local Board of Education.

State Level: If the complaint is not resolved in a satisfactory manner at the local level, the complaint may be directed to MDE. Complaints made under this process must be made in writing and signed by the complainant. The following steps are to be taken:

- Address the complaint to the Michigan Department of Education, State Coordinator for Homeless Education, P.O. Box 30008, Lansing, MI 48909.
- Include in the written complaint:
 - A description of the situation that prompted the complaint.
 - The name(s), grade level(s), and age(s) of the child/children involved.
 - The name(s) of the school district/districts and district personnel involved.
 - A description of attempts made to solve the issue at the local level, including copies of any documentation of determinations or decisions made up to that point.
- The State Coordinator will gather needed information from statements of the parties involved and will forward the information to the director of the Office of Field Services, along with a recommendation for resolution or for further investigation.
- Within thirty (30) days after receiving a complaint, the Director of the Office of Field Services will recommend a resolution and will inform involved parties in writing of the decision.
- If any party involved in the complaint disagrees with the decision, that party may, within ten (10) working days, appeal to the MDE Deputy Superintendent. This appeal must be in writing and state why the party disagrees with the decision of the Director of the Office of Field Services.



Dispute Resolution Procedure, Page Three

- Within thirty (30) days after receiving an appeal, the Deputy Superintendent will render a final administrative decision and notify all parties involved in writing.
- If the party disagrees with the decision of the Deputy Superintendent in a matter concerning homeless children or youth, the party may request a review of the decision by the United States Secretary of Education in accordance with 34 CFR Part 299.11.
- **While the dispute is being resolved, the child/children in question must be enrolled in the school preferred or requested by the parent/guardian or unaccompanied youth, unless previous arrangements have been agreed upon and implemented.**

Questions on this Dispute Resolution Procedure may be addressed to the MDE State Coordinator for Homeless Education Programs at 517-241-1162.