
HOMELESSNESS

LOCAL PROGRAM PLANNING AND REVIEW GUIDES

SERVICES FOR HOMELESS CHILDREN AND YOUTH

Iowa Department of Education
July 9, 2004

Basic Information Regarding the Enclosed Formats

Three review formats are enclosed, two basic service checklists and a comprehensive program review guide. These formats were developed to serve as tools to be used locally by school district personnel and Boards of Education in the development of quality policies and procedures to serve homeless children and youth. The formats address the requirements of Chapter 33, Educating the Homeless, Iowa Administrative Code (Appendix A), and the requirements of the McKinney-Vento Homeless Assistance Act (Appendix B). In addition, they include policies and procedures that are monitored during the Iowa Department of Education's equity and school improvement accreditation visitations. Additional Information is available through The Office for the Education of Homeless Children and Youth, Bureau of Instructional Services, Iowa Department of Education, Grimes State Office Building, Des Moines, Iowa 50319-0146, (515) 281-3966 and on the Department of Education's Homeless web page: <http://www.state.ia.us/educate/ecese/is/homeless/index.html>.

Homeless Children or Youth of School Age are Defined

Chapter 33: The definition of homelessness in the 2004 revision of Chapter 33, EDUCATING THE HOMELESS, p.1 Education [281] IAC 7/7/04 is given below:

"Homeless child or youth" is defined as a child or youth from the age of 3 years through 21 years who lacks a fixed, regular, and adequate nighttime residence and includes the following:

1. A child or youth who is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in a motel, hotel, trailer park, or camping grounds due to the lack of alternative adequate accommodations; is living in an emergency or transitional shelter; is abandoned in a hospital; or is awaiting foster care placement;
2. A child or youth who has 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. A child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting; or
4. A migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in paragraphs "1" through "3" above.

McKinney-Vento: The definition of homelessness in the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, Title X, Part C of the No Child Left Behind Act-2001, is given below. This definition applies to preschool-age and school age children and youth.

"The term 'homeless children and youths'—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence; and

(B) includes – (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional

shelters; are abandoned in hospitals; or are awaiting foster care placement; (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, sub-standard housing, bus or train stations, or similar settings; and (iv) migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).”

U. S. Department of Education: All of the following categories of the non-regulatory guidance, USC 42 # 11302(a), issued in 1995 by the U.S. Department of Education are also used to define homelessness. These categories apply to both preschool and school age children and youth.

Children in foster care should not be considered homeless. However, children temporarily placed in foster care due to a lack of shelter space can be considered homeless. Once placed in a foster home or a home for neglected children or youth, they should no longer be considered homeless.

Children placed by the state in transitional or emergency shelters should be considered homeless if the placement is of a transitional or emergency nature. Typically, these are children who are awaiting foster care or other more permanent placement. If the placement is intended to be permanent (i.e., until children reach age 18), the children should not be considered homeless.

Children who are runaways should be considered to be homeless. Runaways who live in shelters, abandoned buildings, the streets, or other inadequate accommodations are considered homeless, *even if their parents have provided, and are willing to provide, a home for them.* Children who run away and live with friends or relatives should be considered homeless until the relationship with the friends or relatives becomes fixed, regular, and adequate.

Children who are “throwaway children” should be considered to be homeless. “Throwaway children” is the phrase given to describe children whose parents or guardians will not permit them to live at home. These children are also considered homeless until a fixed, regular, and adequate residence is established. “Throwaway children” live in situations very similar, but not identical, to runaways. School-age pregnant girls who have been thrown out of their homes and find refuge in homes for unwed mothers or in other places should be considered homeless until a fixed, regular, and adequate residence has been established.

All abandoned children are homeless until a fixed, regular, and adequate residence is obtained. In some situations, school-age children are abandoned in hospitals (sometimes, because they have AIDS or other terminal diseases). In these cases, the hospital may act as shelter for these children until other arrangements can be made, meanwhile these children should be considered homeless.

Some children who live with friends or relatives should be considered homeless, depending upon their reasons for living with the friends and relatives and the permanence of the living arrangement. A child who lives with friends or relatives should be considered homeless if they are doubled-up due to a loss of housing or other similar situation.

Children who are living in families that are doubled- or tripled-up with other families can be considered homeless, depending on the specific circumstances of the families. When one family has lost its housing and moved in with another family, the children of the family that lost its housing should be considered homeless. The children of the family that share their home should not be considered homeless. Families living in doubled-up accommodations voluntarily to save money generally should not be considered homeless.

The children of migrant workers may be homeless if they meet the McKinney-Vento definition; however, many children who qualify for migrant services reside in a fixed, regular, and adequate residence and should not be considered homeless.

Tips

PLEASE READ BEFORE COMPLETING THE CHECKLISTS

- (1) Homelessness brings about a variety of basic needs that require service assistance beyond what schools can offer. Other agencies and services are needed for support.
- (2) Parents commonly need personal assistance in accessing community services and how to help their children learn.
- (3) Homelessness can contribute to personal dilemmas that interfere with educational progress. Early identification makes it possible to provide crisis intervention and other needed services. Children are highly represented (over 50%) in Iowa’s homeless population.
- (4) Without proper training staff may not recognize or relate to homelessness. Staff development power point presentations are available on the Iowa Department of Education Homeless web site and the National Center for Homeless Education web site. The latter can be accessed from the Iowa Department of Education Homeless web site.
- (5) Poverty interferes continuously with obtaining basic school supplies/books and other study aides.
- (6) Some families cannot afford the needed transportation to meet bus routes. Bus routes may not accommodate shelter locations.
- (7) District-wide identification activities are needed to locate homeless teenagers and homeless families not living in shelters, e.g., doubled-up. Out-of-school, as well as in-school homeless children and youth need to be identified.
- (8) Teenage runaways and throwaways need immediate assistance to prevent being abused by older teenagers and adults.

Unless the basic human needs of children are met, they are unable to make educational progress. Maslow’s Heirarchy of Human Needs provides us with a visual reminder of essential needs.



BASIC SCHOOL SERVICE/ACTIVITY CHECKLIST AND BASIC COMMUNITY SERVICE/ACTIVITY CHECKLIST

DIRECTIONS AND EXPLANATIONS

Read the following directions and explanations before completing any of the checklists and review guide.

Basic School Service/Activity Checklist

Place a check in the appropriate space for items 1-16 to identify the extent services/activities are provided by the school district to meet the special needs of homeless children, teenagers, and parents. A space has been provided to write in goals for local planning.

Basic Community Service/Activity Checklist

Place a check in the appropriate space for items 17-33 to identify the extent services/activities are provided by community agencies to meet the special needs of homeless parents, teenagers, and children. A space has been provided to write in goals for local planning.

Check items 23 through 30 separately for Parent (P), Teenager (T), and Child (C). This permits different responses for Parents, Teenagers, and Children. There may be a major shortage of services in one area for parents, but not for teenagers and/or children. Likewise a major shortage of services may exist for teenagers and/or children, but not for parents. As an example, a major shortage of transitional housing may exist for teenagers, while a minor shortage of transitional housing may exist for parents

Check items 31, 32 and 33 separately for Parent (P) and Teenager (T).

Explanation of Ratings for Basic School Service/Activity Checklists

USE THE FOLLOWING DEFINITIONS

Definitions: For the purpose of this checklist, Parent means an individual who is the biological mother and/or father, stepparent, or legal guardian; Teenager means an individual within the age range of 13 through 17; and Child means an individual within the age range of 0 through 12.

Not Addressed: Service/Activity is not offered, or limited to such an extent that essentially no service is available.

Addressed/A Major Shortage of Services Exists: Service/Activity is offered is often not available when needed or factors are often present which prevent accessing the service/activity, e.g., long waiting lists, insufficient funding, limited openings, or a shortage of trained staff to provide service.

Addressed/A Minor Shortage of Services Exists: Service/Activity is offered, but may not always be available when needed. Delays periodically occur in accessing the service/activity for reasons such as waiting lists, lack of funding, no transportation, and a shortage of trained staff.

Services Are Meeting Needs: Service/Activity is offered, available when needed, and accessible.

Goals for Local Planning: The checklists assist in identifying services/activities (1) where there is either a major or minor need for additional services and (2) services/activities that are not addressed. The checklists help to identify services/activities that need to be offered, expanded, and/or improved. A goal sheet is included with the program review guide to facilitate the development of goals/plans to address these services/activities.

BASIC SCHOOL SERVICE/ACTIVITY CHECKLIST FOR HOMELESS CHILDREN AND YOUTH					
Educational and School Related Services/Activities (The numbering in this column corresponds with the numbering in the Comprehensive Local Education Agency Program Review Guide. Check the Review Guide for details.)	Not Addressed	Addressed: Major Shortage of Services Exists	Addressed: Minor Shortage of Services Exists	Services Are Meeting Needs	Goals for Local Planning
1. School Liaison and Other School Contacts Identified					
2a. Barriers to Enrollment Identified					
2b. Enrollment Delays					
2c. Policy/Rules Reviewed					
3a. Identification Procedures Developed					
3b,c. Cumulative Count Procedures Established					
3d. Ensure Attendance					
3e. Ensure Enrollment					
3f. Provide and Post Information					
4. School Selection and Best Interest					
5, 6, 7. Enrollment					
8. Notification of Staff					
9a. Access to Comparable Services					
9b. Access to Head Start, Even Start, Preschool					
10. Integration					
11. Collaboration and Coordination and Parental Assistance					
12. School Transportation					
13. School Records					
14. Staff Development					
15. Title I					

BASIC COMMUNITY SERVICE/ACTIVITY CHECKLIST FOR HOMELESS ADULTS, TEENAGERS, CHILDREN

Community Services And Activities	Not Addressed	Addressed: Major Shortage of Services Exists	Addressed: Minor Shortage of Services Exists	Services Are Meeting Needs	Goals for Local Planning
17. Collaboration and Coordination With Schools					
18. Collaboration and Coordination Between Community Providers					
19. Identification and Referral to School, Other Agencies					
20. Postings/Notices Regarding Available Services					
21. Home Intervention (Child Abuse and Family Problems)					
22. Training to Improve Living and Parenting Skills					
23. Medical Services	P T C	_____	_____	_____	_____
24. Mental Health Services	P T C	_____	_____	_____	_____
25. Basic Needs (Food, etc.)	P T C	_____	_____	_____	_____
26. Emergency Shelter	P T C	_____	_____	_____	_____
27. Transitional Housing	P T C	_____	_____	_____	_____
28. Affordable/Permanent Housing	P T C	_____	_____	_____	_____
29. Substance Abuse Intervention	P T C	_____	_____	_____	_____
30. Transportation for jobs, services, training	P T C	_____	_____	_____	_____
31. Child Care	Parent Teenage Parent	_____	_____	_____	_____
32. Job Training	P T	_____	_____	_____	_____
33. Job Placement	P T	_____	_____	_____	_____

COMPREHENSIVE LOCAL EDUCATION AGENCY PROGRAM REVIEW GUIDE REGARDING HOMELESSNESS

Identification, Enrollment, Attendance, and Success of Homeless Children and Youth

The review guide lists services and activities which if completed and/or provided will meet the requirements of Chapter 33 (Appendix A) and the McKinney-Vento Homeless Assistance Act (Appendix B). *Chapter 33 was adopted in 1989 and McKinney-Vento in 2001. It is necessary to meet the requirements of both Chapter 33 and McKinney-Vento. Although many of the requirements are the same, McKinney-Vento includes requirements that are not included in Chapter 33. If there appears to be a conflict between Chapter 33 and McKinney-Vento requirements contact Ray Morley, State Coordinator for the Education of Homeless Children and Youth.* Place a “C” on the line preceding an item if the specified activity has been completed or the service is being provided. Place a “P” on this line if the activity is partially completed or the service partially provided. Place an “N” on the line if the activity has not been completed or the service is not provided. A “P” response denotes activities/services that need to be expanded to meet the needs of homeless children and youth. It should be helpful to describe, for the “P” responses, the extent services/activities are meeting the needs and improvements that should be offered to meet the needs. An “N” response denotes activities/services that should be offered. Some of the items are followed by “Describe the procedures” and “Identify the activities”. It could be helpful for local planning or for preparing local district reports to write responses describing procedures and activities.

The number in brackets, e.g., [281.33.1] refers to the location of this item in Chapter 33, Educating the Homeless, Iowa Administrative Code and to the location of this item in the McKinney-Vento Homeless Assistance Act.

1. A primary purpose of Chapter 33 is to facilitate enrollment of homeless children of school age to enable them to have access to a free appropriate public education. [281.33.1]. McKinney-Vento includes “All LEA’s must designate an appropriate staff person as a local educational agency liaison for homeless children and youth to perform duties described in Section 722.” [(g)(6)]
 - _____ 1a. The LEA has designated a local educational agency liaison for homeless children and youth to ensure that the liaison’s duties are completed (Duties are listed in Appendix C). Identify the liaison.
 - _____ 1b. The LEA has a specific contact person who responds on a district-wide basis to community inquiries regarding homelessness. Identify the person designated:
 - _____ 1c. The LEA has a specific contact person who is available on a district-wide basis to shelter and agency personnel and to parents to assist with the enrollment of and the provision of support services for homeless students. Identify the person designated:
 - _____ 1d. The LEA has a specific contact person, within each of the district’s schools, available to shelters, agencies, organizations, and parents to assist with the enrollment of and the provision of support services for homeless students.

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- _____ 1e. The LEA includes with posters regarding homelessness within the community the name and how to contact the school liaison for homeless children and youth and includes in handbooks and newsletters the name of the person(s) designated to complete the activities listed in 1a through 1d. In smaller districts the liaison may be the specific contact person for 1b, 1c, and 1d. In larger districts there may be several persons designated to complete these activities.
2. Chapter 33 includes the following: The Board of Directors of a public school district shall examine and revise, if necessary, existing school policies or rules that create barriers to the enrollment of homeless children and youth, consistent with these rules. [281.33.3] The McKinney-Vento plan submitted by the State must include a demonstration that the State Education Agency and LEAs in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in the State. [722(g)(I)]
- _____ 2a. School Board policies and administrative rules have been examined to identify barriers to the enrollment of homeless children. Check those reviewed
- | | |
|----------------------------------|---------------------|
| _____ Transportation | _____ Residency |
| _____ Transfer of School Records | _____ Immunizations |
| _____ School Fees | _____ Activity Fees |
| _____ Others: | |
- _____ 2b. If barriers were identified, policies and/or administrative rules were revised to remove the barriers. List the strategies implemented by the LEA to eliminate enrollment delays caused by these barriers McKinney-Vento [722 (g)(1)(H)]:
- _____ 2c. The LEA has adopted a school board policy and/or administrative rules pertaining to homeless children of school age. McKinney-Vento [722 (g)(I)] The policy and/or administrative rules overrides all other school policies and administrative rules where applicable to provide accommodations for the homeless as defined in state and federal law or rule.
3. Chapter 33 includes the statement “Locate and identify homeless children or youth of school age who are found within the district, whether or not they are enrolled in school.” [281-33.3] McKinney-Vento includes “LEA liaisons must ensure that homeless children and youth are identified by school personnel through practices adopted by the district and through coordination activities with other entities and agencies.” [722 (g)(6)(A)(i)] The Office for the Education of Homeless Children and Youth, Iowa Department of Education, conducts statewide studies of homelessness in Iowa. In the latest study, Iowa’s Homeless Children/Youth and Their Families, *Counts, Estimates, Characteristics, Needs* all of the Iowa public schools (over 1500) were requested to provide information regarding homelessness.
- _____ 3a. The LEA has implemented district-wide process to identify school-age homeless children and youth (in-school and out-of-school). A document is available on the Iowa Department of Education Homeless Education web site for use by school district personnel in identifying homeless children and youth. The document is entitled “Educating The Homeless Children and Youth: A Process For Use By Iowa School Districts In Meeting the Requirements of Chapter 33, Educating The Homeless, Iowa Administrative Code and the Requirements of the McKinney-Vento Homeless Education Act, Title X, Part C, No Child Left Behind Act.”

Check the identification procedures below that have been implemented:

- School personnel received staff development training regarding identification. It is desirable to train the entire staff, including bus drivers, custodians, associates, food service personnel, school office staff in addition to the teaching staff. A power point presentation entitled Homeless Students: Definitions, Rights, and Identification and other useful information are available on the Homeless Education web site.
 - Referral from Community Service Agencies
 - Self-Referral
 - Peer Referral
 - Follow-up on addresses given at time of enrollment
 - Outreach to community service agencies to identify/cross-check living accommodations.
 - Outreach to community service agencies to identify homeless children and youth that are not attending school.
 - Outreach to community service agencies to identify homeless children and youth that are runaways and throwaways.
 - Outreach to juvenile shelter care agencies serving court placed children and youth to identify homeless children and youth. *NOTE:* Children and youth placed by court into shelter care are considered homeless.
 - Others:
- 3b. The LEA is maintaining a cumulative count of the number of identified school age and preschool age homeless children and youth who reside in the school district and who are enrolled in school. An identification and needs assessment form for use in to facilitate needs determination, assessment, evaluation, and reporting is available on the Iowa Department of Education Homeless Education web site.
- 3c. The LEA is maintaining a cumulative count of the number of identified school age and preschool age homeless children and youth who reside in the school district and who are **not** enrolled in school:
- 3d. The LEA has made special efforts to ensure the attendance of homeless children and youth who do not attend school on a regular basis.
- 3e. The LEA has made special efforts to ensure the enrollment of homeless children and youth who are not enrolled in school.
- 3f. The LEA provides and posts information in locations outside the central administrative offices that encourages enrollment of homeless students in school. Chapter 33 [281-33.3] Check all that apply:
- School building offices
 - Head Start Centers
 - Homeless Shelters (including domestic violence, runaway, family and youth shelters)
 - Hotels/Motels
 - Day Care Centers
 - Transitional Housing Projects

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- _____ Churches
 - _____ Food Banks
 - _____ Soup Kitchens
 - _____ Department of Human Services Offices
 - _____ Community Action Agencies
 - _____ Police Department/Juvenile Services Offices
 - _____ Other Community Service Providers (list):
 - _____
 - _____
 - _____
 - _____
 - _____
 - _____
 - _____
 - _____ Other Areas where Youth and Families congregate: (list)
 - _____
 - _____

4. A child or youth who meets the definition of homeless in the Chapter 33 rules is entitled to receive a free appropriate public education and in determining school placement of a homeless student, the child’s best interests must be considered. Chapter 33 [281-33.8] and McKinney-Vento [722 (g)(3)]. If the child or youth is legitimately homeless then a decision must be made to determine if the child/youth attends the district in which he/she actually resides or the district of origin. Refer to Chapter 33 [281-33.8] and McKinney-Vento [722 (g)(3)] for specific rules regarding this decision

The LEA includes the following in making decisions regarding school selection for homeless children and youth (“School of origin” is defined as the school the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled): McKinney-Vento [722 (g)(3)(A)(i)]

- _____ 4a. According to a child or youth’s best interest, the LEA either continues the child/youth’s education in the school of origin, or enrolls the child/youth in school in any public school that non-homeless students who live in the attendance area where the child/youth is actually living are eligible to attend. McKinney-Vento. [722 (g)(3)(A)]
- _____ 4b. In determining best interest, the LEA, to the extent feasible, keeps the child/youth in the school of origin, unless it is against the wishes of the parent/guardian. McKinney-Vento [722 (g)(3)(B)(i)]
- _____ 4c. The LEA understands that the child or youth’s right to attend their school of origin extends for the duration of homelessness. McKinney-Vento [722 (g)(3)(A)(i)]
- _____ 4d. The LEA understands that if a child or youth becomes permanently housed during the academic year, he or she is entitled to stay in the school of origin for the remainder of the academic year. McKinney-Vento [722 (g)(3)(A)(i)(II)]

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- _____ 4e. The LEA understands that children and youth who become homeless in between academic years are entitled to attend their school of origin for the following academic year. McKinney-Vento [722 (g)(3)(A)(i)(1)]
- _____ 4f. The LEA understands that if the LEA sends the child/youth to a school other than the school of origin or the school requested by the parent or guardian, the LEA must provide written explanation to the parent or guardian, including the right to appeal under the enrollment disputes provision. McKinney-Vento [722 (g)(3)(B)(ii)]
- _____ 4g. In the case of an unaccompanied youth, the LEA homeless liaison assists in placement/enrollment decisions, considers the youth's wishes, and provides notice to the youth of the right to appeal under the enrollment disputes provisions. McKinney-Vento [722 (g)(3)(B)(iii)]
- _____ 4h. The LEA understands that the choice regarding placement must be made regardless of whether the child or youth resides with the homeless parent or has been temporarily placed elsewhere. McKinney-Vento [722 (g)(3)(F)].
- _____ 4i. Tests are administered or other responsible means are utilized to determine the appropriate grade level for the child or youth if there are inadequate, nonexistent, or missing student records. Chapter 33 [281-33.7(2)]
- _____ 4j. Mandatory requirements, such as enrollment in a minimum number of courses, are waived if they constitute potential barriers to the education of the homeless child or youth. Chapter 33 [281-33.7(1)]
5. Chapter 33 [281-33.8] and McKinney-Vento [722 (g)(3)(C)(i)] both state that the LEA will not refuse to enroll a homeless child or youth or exclude a homeless child or youth for the reasons listed under 5a below*:
- _____ 5a. The LEA enrolls homeless children and youth and proceeds with immediate placement even if one or more of the following conditions are present*:
- Parents/guardians reside in another district. Chapter 33[Refer to 281-33.8 for 4a-4d]
 - The child/youth are not living with parents or other legal guardians.
 - The child/youth cannot demonstrate proof of residency.
 - The child/youth does not have a permanent address.
 - The child/youth does not have records from a previous school. Chapter 33 [281-33.4]
 - The child/youth has not officially withdrawn from the previously attended school.
 - The child/youth does not have proof of immunizations.
(Chapter 33: Immunization requirements are in Section 281-33.5)
 - The LEA accepts documents other than a birth certificate to prove a student's date of birth.
- _____ 5b. The LEA understands that the terms "enroll" and "enrollment" are defined to include attending classes and participating fully in school activities. McKinney-Vento [725 (3)]

* It is understood that LEAs will investigate to assure a child/youth is legitimately homeless to screen out individuals who feign homelessness for the purpose of attending a school within the district.

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- _____ 5c. The enrolling school immediately contacts the last school attended to obtain relevant academic and other records. McKinney-Vento [722 (g)(3)(C)(ii)]
- _____ 5d. If a child or youth lacks immunizations or medical records, the enrolling school refers parent/guardian to the liaison, who helps obtain necessary immunizations or medical records. McKinney-Vento [722 (g)(3)(C)(iii)]
- _____ 5e. The LEA understands that the McKinney-Vento Act does not prohibit LEAs from requiring parents or guardians to submit contact information. McKinney-Vento [722 (g)(3)(H)]
6. _____ The LEA extends the opportunity for open enrollment to a homeless child or youth who is otherwise eligible and has made proper application to utilize the open enrollment provisions of the Iowa Code Section 282.18. Chapter 33 [281-33.8(4)]
7. The LEA follows procedures that result in a prompt resolution of disputes regarding the educational placement of homeless children and youth. McKinney-Vento [722 (g)(1)(C)]
- _____ 7a. If a dispute arises over school selection or enrollment, the LEA immediately admits the child/youth to the school in which he/she is seeking enrollment, pending resolution of the dispute, McKinney-Vento [722 (g)(3)(E)(i)]
- _____ 7b. The LEA provides the parent or guardian with a written explanation of the school's decision on the dispute, including the right to appeal. McKinney-Vento [722 (g)(3)(E)(ii)]
- _____ 7c. The parent/guardian/youth is referred to the liaison, who carries out the state's grievance procedure as expeditiously as possible after receiving notice of the dispute. McKinney-Vento [722 (g)(3)(E)(iii)]
- _____ 7d. In the case of an unaccompanied youth, the homeless liaison ensures that the youth is immediately enrolled in the school in which he/she is seeking enrollment, pending resolution of the dispute. McKinney-Vento [722 (g)(3)(E)(iv)]
8. _____ In order to meet students needs, the LEA has implemented procedures to notify appropriate school personnel when children and youth become homeless. Chapter 33 [281-33.11] Describe the procedures.
9. Access to Comparable Services.
- _____ 9a. The LEA provides eligible homeless students with the following services in the same manner as non-homeless students. Chapter 33 [281-33.11]. McKinney-Vento includes "Children and youth are to be provided services comparable to those received by other students in the school selected, including transportation services, and education programs for which students meet eligibility criteria, such as services provided under Title I or similar state or local programs; programs for students with disabilities; programs for students with limited English proficiency; vocational or technical programs; gifted and talented programs; and school

nutrition programs. [722 (g)(4)] An identification and needs assessment form for use in to facilitate needs determination, assessment, evaluation, and reporting is available on the Iowa Department of Education Homeless Education web site. *Note: Homeless children/youth are automatically eligible for free/reduced lunch programs. See Appendix F.*

Check the services that are provided.

- | | |
|--|---|
| <input type="checkbox"/> Title I | <input type="checkbox"/> Counseling |
| <input type="checkbox"/> Special Education | <input type="checkbox"/> Tutoring/Remediation |
| <input type="checkbox"/> Gifted/Talented | <input type="checkbox"/> Before-, After-, and Summer School Programs |
| <input type="checkbox"/> Vocational Education | <input type="checkbox"/> Alternative Education |
| <input type="checkbox"/> Work-Study | <input type="checkbox"/> Teen Parenting Programs |
| <input type="checkbox"/> Extra-Curricular Activities | <input type="checkbox"/> Bilingual/Education as a Second Language (ESL) |
| <input type="checkbox"/> Art/Music | <input type="checkbox"/> Free Reduced Lunch Programs |
| <input type="checkbox"/> Physical Education | <input type="checkbox"/> Evaluation Services |
| <input type="checkbox"/> Health | <input type="checkbox"/> Parent Support/Involvement |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Community-Based Support Services |
| <input type="checkbox"/> Preschool Programs | <input type="checkbox"/> Head Start |
| <input type="checkbox"/> Even Start | |

In addition to providing the services checked above the LEA offers additional services or makes special arrangements in the provision of one or more of the above services. For example, the LEA makes it a priority to provide immediate counseling, as needed, to homeless students. Identify special provisions and additional services.

- 9b. The LEA liaison ensures that homeless families, children and youths receive educational services for which they are eligible, including Head Start and Even Start programs and preschool programs administered by the LEA. [722 (g)(1)(F)] For further explanation refer to Appendix E.

10. Integration.

- 10a. The LEA has adopted policies and practices to ensure that homeless children and youth are not segregated on the basis of their status as homeless or stigmatized. McKinney-Vento [722 (g)(1)(J)(i)]

To the maximum extent possible services for homeless children and youth are provided through existing programs and mechanisms that integrate homeless individuals with non-homeless individuals. (Cross check this with Question 10.) Chapter 33 [281-33.11]

- 10b. The LEA ensures that homeless children and youth are provided services in settings within a school that integrates homeless children and youth with other children and youth, except they may be segregated as necessary for short periods of time for health and safety emergencies, or to provide temporary, special, and supplementary services. McKinney-Vento [723 (a)(2)(B)(ii)]

11. The LEA liaison for homeless children and youth as part of his/her duties collaborates and coordinates with community and school personnel responsible for the provision of education and related services to homeless children and youth. McKinney-Vento [722 (g)(6)(C)]. The

LEA makes available to the homeless child and youth all services and assistance on the same basis these services and assistance are provided to resident pupils. Chapter 33 [281-33.11]

The LEA conducts activities to ensure that:

- ___ 11a. Homeless students and parents are aware of school and community programs and services that may address their needs. Identify the activities.
 - ___ 11b. Homeless students have access to essential school supplies, textbooks, and essential clothing. Identify the activities.
 - ___ 11c. The physical and mental health needs of homeless children and youth are identified: Identify the activities.
 - ___ 11d. Homeless children, youth, and their families are provided assistance in accessing available school and community services (including housing assistance) to address their needs. Identify the activities.
 - ___ 11e. Homeless students are able to regularly and safely get to school.
 - ___ 11f. School fees are waived, if needed, to enable homeless students to participate in extracurricular activities. Chapter 33 [281-33.6]
12. Chapter 33, Section 281-33.10(1) includes “A child or youth who meets the definition of homeless in these rules shall not be denied access to a free appropriate public education solely on the basis of transportation. The necessity for and feasibility of transportation shall be considered, however, in deciding which of two districts would be in the best interest of the homeless child or youth.” The districts in question are the district of origin and the district in which the child or youth is actually living. McKinney-Vento includes “the LEA provides transportation, 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.” McKinney-Vento [722 (g)(1)(J)(iii)].

The LEA in which the child or youth is actually living provides school transportation:

- ___ 12a. To and from the school of origin, if the homeless student continues to live in an area served by the LEA in which the school of origin is located. McKinney-Vento [722 (g)(1)(J)(iii)].
- ___ 12b. On the same basis as for any resident child of the district, if it is determined to be in the best interests of the child or youth to attend school in the district in which he/she is actually living. Chapter 33 [281-33.10(20a)]
- ___ 12c. As determined in response to the following situation “If the homeless student moves to an area served by another LEA, though continuing his or her education at the school of origin, the LEA of origin and the LEA in which the student is living must agree upon a method to apportion responsibility and costs for transportation to the school of origin. If the LEAs cannot agree upon such a method, the responsibility and costs must be shared equally. McKinney-Vento [722 (g)(1)(J)(iii)].

13. Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth are maintained so that the records are available, in a timely fashion, when a child or youth enters a new school or school district, and in a manner consistent with section 444 of the General Education Provisions Act. McKinney-Vento [722 (g)(3)(D)] Chapter 33 rules regarding school records and school transfers are in Section 281-33.4.

___ 13a. The LEA maintains records in such a way as to immediately provide copies to parents/children upon transfer to another district.

___ 13b. The LEA transfers a homeless child's records even if the child owes a fine or has other unpaid bills.

___ 13c. The LEA protects homeless children's school records (including cumulative records, attendance records, disciplinary records, immunization records, guardianship records, evaluations for special services, birth certificates, and other records and reports) so that inappropriate disclosure of the students' living status is prevented.

Identify the policies that are in place to protect against inappropriate disclosure of student's living arrangements: _____

14. Effective compliance with Chapter 33 rules and McKinney-Vento requirements by school districts depends on school personnel's knowledge, awareness, and understanding of the social, emotional, financial, and educational consequences encountered by students and families who experience homelessness.

The LEA conducts activities to ensure that:

___ 14a. School personnel are aware of and sensitive to the needs of homeless children and youth and the rights of such children and youth under the McKinney Act and Chapter 33.

Identify the activities: _____

___ 14b The needs of homeless students are assessed to determine the programs and services that are of the greatest benefit to them.

Describe the need assessment conducted or attach reports.

15. Key provisions in Title I relating to homelessness. (For additional information refer to Appendix D)

The LEA conducts activities to ensure that:

___ 15a. A child or youth who is homeless and is attending any school in the district is eligible for Title I services.

___ 15b The LEA reserves or sets aside funds as are necessary to provide services comparable to those provided to children in Title I, Part A-funded schools 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.

- ___ 15c. Has on file with the State educational agency a plan, approved by the State education agency, that is coordinated with the McKinney-Vento Homeless Assistance Act. This is necessary for the LEA to receive funding under Title I, Part A.

 - ___ 15d. The LEA Title I plan includes a description of the services that will be provided to homeless children, including services provided with funds from the Reservation of Funds set-aside.
16. Other (List additional relevant LEA activities or regional activities in which the LEA participates that serve or benefit homeless children and youth.).

GOALS FOR LOCAL PLANNING

LOCAL CONTACT PERSONS

POLICIES

IDENTIFICATION PROCEDURES

COUNTS

ENROLLMENTS AND PLACEMENTS

NOTIFICATION PROCEDURES

ACCESS TO SERVICES

POSTINGS AND ASSURANCES

TRANSFER OF SCHOOL RECORDS

STAFF DEVELOPMENT

TRANSPORTATION

OTHER

OTHER PROGRAM PLANNING RESOURCES

Bureau of Instructional Services, Department of Education, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515) 281-3966; Internet Homeless Education Web Site: <http://www.state.ia.us/educate/ecese/is/homeless/index.html>.

Included in the resources available on this web site are:

- ◆ A Process for Use by Iowa School Districts In Meeting the Requirements of Chapter 33, Educating The Homeless, Iowa Administrative Code and the Requirements of the McKinney-Vento Homeless Education Act, Title X, Part C, No Child Left Behind Act. The process presents procedures and materials for use in identifying homeless children and youth, assessing their educational and personal needs, providing them appropriate programs and services, maintaining a cumulative count of the number identified and collecting demographic data and information regarding characteristics and living situations
<http://www.state.ia.us/educate/ecese/is/homeless/documents.html>
- ◆ Identification and Needs Assessment Form: Children and Youth in Homeless Situations. *For use to facilitate needs determination, assessment, evaluation, and reporting.*
<http://www.state.ia.us/educate/ecese/is/homeless/documents.html>
- ◆ Alternative Residence Needs Assessment for Middle/Junior High School Students. A Survey of Iowa's Middle and Junior High Schools to Determine the Extent of the Need for Alternative Residential Programs in 2001-02.
<http://www.state.ia.us/educate/ecese/is/homeless/documents.html>
- ◆ Educating Homeless Children and Youth: Problems and Solutions. Key problems educators may encounter with suggested solutions are presented. The contacts should be useful in collaborative planning, program development, and staff development.
<http://www.state.ia.us/educate/ecese/is/homeless/documents.html>
- ◆ Homelessness: A Resource Guide for Grades K-12, 2004 edition. Includes Introductory lessons, student handouts, lessons for grades K-8, 6-12, and advanced learners, bibliography of books and videos, and a listing of lessons regarding homelessness by topics. The latter includes lessons from the 1994 and 2004 Resource Guides and lessons from other web sites with links to these sites.
<http://www.state.ia.us/educate/ecese/is/homeless/curriculum.html>
- ◆ Homelessness: A Resource guide for Grades K-12, 1994-curriculum and lessons, helping children and youth understand and be involved. This publication includes separate instructional lessons for grades K-5, 6-8, and 9-12; included is an extensive bibliography of fiction and nonfiction books, films, videos, and audio cassettes.
http://www.state.ia.us/educate/ecese/is/homeless/resource_guide.html
- ◆ Student Curriculum Resources. Links are provided to curriculum resources and lesson plans regarding homelessness located on other web sites.
<http://www.state.ia.us/educate/ecese/is/homeless/curriculum.html>
- ◆ Teenagers Response to Homelessness: Needs in Iowa: This report focuses on the current status of homeless youth in Iowa who are runaways and throwaways; their plight, the dangers they encounter, and barriers to accessing protective and rehabilitating living arrangements.
http://www.state.ia.us/educate/ecese/is/homeless/doc/teen_repsonse.pdf
- ◆ Posters for placement at schools and community service provider agencies. Located at www.serve.org/nche Click on NCHE Products. It may take a long time to download the posters.
<http://www.state.ia.us/educate/ecese/is/homeless/documents.html>
- ◆ Standards and Indicators of Quality McKinney-Vento Programs. Specifies standards and indicators, identifies data collection tools and strategies to determine the extent programs are

meeting the standards and indicators and provides tools to help coordinators evaluate their programs. <http://www.state.ia.us/educate/ecese/is/homeless/doc/siqmvp.pdf>

- ◆ Other web sites pertaining to homeless persons are linked to this web site.

The National Center for Homeless Education at SERVE, 1100 West Market Street, Suite 300, Greensboro, North Carolina 27403.

E-mail: homeless@serve.org
Web site: <http://www.serve.org/nche>
Help Line: 1-800-308-2145

The NCHE disseminates important resource and referral information, fosters collaboration among various organizations, and promotes national grassroots awareness of homelessness and homeless education issues. The following resources are included on this web site:

- ◆ Educating Children and Youth in Homeless Situations: McKinney-Vento 2001: Law Into Practice, Issue Briefs. These documents explain selected topics of the legislation and offer strategies for implementing them.
- ◆ **Local Homeless Education Agency Liaison Toolkit.** The Local Homeless Education Liaison Toolkit is a comprehensive tool that will assist both new and veteran local homeless education liaisons in carrying out their responsibilities.
<http://www.serve.org/nche/downloads/webtoolkit.pdf>
- ◆ **Posters** on the educational rights of children and youths experiencing homelessness are available from NCHE. Go to their home page and click on NCHE Products.
- ◆ **Standards and Indicators** of Quality McKinney-Vento Programs. Specifies standards and indicators, identifies data collection tools and strategies to determine the extent programs are meeting the standards and indicators and provides tools to help coordinators evaluate their programs. Go to their home page and click on NCHE Products.

A thorough discussion of actions school districts and communities can take to serve homeless children and youth is presented in Section III: Opportunity: Creating Success for Students in Homeless Situations, pp. 50-101 of the publication "Pieces of the Puzzle." Also, Appendix B of this publication includes a campus self-assessment guide, divided into four chapters. The complete reference is: "Pieces of the Puzzle: Creating Success for Students in Homeless Situations." This reference is available from the Homeless Education Program. The University of Texas at Austin, Charles A. Dana Center, 2901 North IH-35, ECN 2.200, Austin, Texas 78722-2348; telephone (512) 475-9702, and FAX: (512) 232-1853. This publication has been sent to Iowa Area Education Agency libraries.

Appendix A

CHAPTER 33, Iowa Administrative Code

EDUCATING THE HOMELESS

Published July 7, 2004, Effective August 8, 2004

281—33.1(256) Purpose. The purpose of these rules is to facilitate the enrollment of homeless children of school age and, where appropriate, of preschool age in the public school districts of Iowa to enable the children to have access to a free, appropriate public education, and to be free of being stigmatized on the basis of their status as homeless.

281—33.2(256) Definitions.

“District of origin” is defined as the public school district in Iowa in which the child was last enrolled or which the child last attended when permanently housed.

“Guardian” is defined as a person of majority age with whom a homeless child or youth of school age is living or a person of majority age who has accepted responsibility for the homeless child or youth, whether or not the person has legal guardianship over the child or youth.

“Homeless child or youth” is defined as a child or youth from the age of 3 years through 21 years who lacks a fixed, regular, and adequate nighttime residence and includes the following:

1. A child or youth who is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in a motel, hotel, trailer park, or camping grounds due to the lack of alternative adequate accommodations; is living in an emergency or transitional shelter; is abandoned in a hospital; or is awaiting foster care placement;
2. A child or youth who has 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. A child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting; or
4. A migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in paragraphs “1” through “3” above.

“Preschool child” is defined as a child who is three, four, or five years of age before September 15.

“Unaccompanied youth” is defined as a youth not in the physical custody of a parent or guardian.

281—33.3(256) Responsibilities of the board of directors. The board of directors of a public school district shall do all of the following:

33.3(1) The board shall locate and identify homeless children or youth within the district, whether or not they are enrolled in school.

33.3(2) The board shall post, at community shelters and other locations in the district where services or assistance is provided to the homeless, information regarding the educational rights of homeless children and youth and encouraging homeless children and youth to enroll in the public school.

33.3(3) The board shall examine and revise, if necessary, existing school policies or rules that create barriers to the enrollment of homeless children or youth, consistent with these rules. School districts are encouraged to cooperate with agencies and organizations for the homeless to explore comprehensive, equivalent alternative educational programs and support services for homeless children and youth when necessary to implement the intent of these rules.

33.3(4) The board shall enact a policy prohibiting the segregation of a homeless child or youth from other students enrolled in the public school district.

33.3(5) The board shall immediately enroll a homeless child or youth, pending resolution of any dispute regarding in which school the child or youth should be enrolled.

33.3(6) The board shall determine school placement based on the best interests of a homeless child or youth. The board shall, to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child’s or youth’s parent or guardian. If the child or youth becomes permanently housed during an academic year, enrollment shall continue in the

school of origin for the remainder of that academic year unless the parents agree otherwise.

33.3(7) The board shall designate an appropriate staff person as the district's local educational agency liaison for homeless children and youth to carry out the following duties:

- a.* Ensure that a homeless child or youth is identified by school personnel and through coordination activities with other entities and agencies;
- b.* Ensure that a homeless child or youth is enrolled in, and has a full and equal opportunity to succeed in, schools of the district;
- c.* Ensure that homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs, tuition-free preschool programs administered by the district, and referrals to health care services, dental services, mental health services, and other appropriate services;
- d.* Ensure that the parents or guardians of homeless children and youth are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- e.* Ensure that public notice of the educational rights of homeless children and youth is disseminated where such children and youth receive services under the federal McKinney-Vento Homeless Assistance Act, such as schools, family shelters, and soup kitchens;
- f.* Ensure that enrollment disputes are mediated in accordance with 42 U.S.C. Section 11432(g)(3)(E), which requires the following:
 - (1) The child or youth shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute;
 - (2) The parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;
 - (3) The child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under this subrule, who shall carry out the dispute resolution process set forth in rule 33.9(256);
 - (4) In the case of an unaccompanied youth, the local educational agency liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought pending resolution of the dispute;
- g.* Ensure that the parent or guardian of a homeless child or youth, or the unaccompanied youth, is fully informed of all transportation services and is assisted in accessing transportation to the school of enrollment;
- h.* Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.

281—33.4(256) School records; student transfers. The school records of each homeless child or youth shall be maintained so that the records are available in a timely fashion when a child or youth enters a new school district, and in a manner consistent with federal statutes and regulations related to student records.

Upon notification that a homeless student intends to transfer out of the district, a school district shall immediately provide copies of the student's permanent and cumulative records, or other evidence of placement or special needs, to the homeless child or youth or the parent or guardian of a homeless child or youth who may take the copies with them.

Upon the enrollment of a homeless child or youth, a school district shall accept copies of records, or other evidence of placement provided by the homeless child, youth, or the parent or guardian of the homeless child or youth, for purposes of immediate placement and delivery of education and support services. Thereafter, the receiving school shall request copies of the official records from the sending school. The receiving school shall not dismiss or deny further education to the homeless child or youth solely on the basis that the prior school records are unavailable.

281—33.5(256) Immunization requirements. Consistent with the provisions of Iowa Code section 139A.8 and rules of the department of public health, a public school shall not refuse to enroll or exclude

a homeless child or youth for lack of immunization records if any of the following situations exist.

The parent or guardian of a homeless child or youth or a homeless child or youth:

1. Offers a statement signed by a doctor licensed by the state board of medical examiners specifying that in the doctor's opinion the immunizations required would be injurious to the health and well-being of the child or youth or to any member of the child or youth's family or household.
2. Provides an affidavit stating that the immunization conflicts with the tenets and practices of a recognized religious denomination of which the homeless child or youth is a member or adherent, unless the state board of health has determined and the director of health has declared an emergency or epidemic exists.
3. Offers a statement that the child or youth has begun the required immunizations and is continuing to receive the necessary immunizations as rapidly as is medically feasible, or
4. States that the child or youth is a transfer student from any other school, and that school con-firms the presence of the immunization record.

The school district shall make every effort to locate or verify the official immunization records of a homeless child or youth based upon information supplied by the child, youth, parent, or guardian. In circumstances where it is admitted that the homeless child or youth has not received some or all of the immunizations required by state law for enrollment and none of the exemptions listed above is applicable, the district shall refer the child, youth, and parent or guardian to the local board of health for the purpose of immunization, and the school shall provisionally enroll the child or youth in accordance with item "3" or "4" above.

281—33.6(256) Waiver of fees and charges encouraged. If a child or youth is determined to be homeless as defined by these rules, a school district is encouraged, subject to state law, to waive any fees or charges that would present a barrier to the enrollment or transfer of the child or youth, such as fees or charges for textbooks, supplies, or activities.

A homeless child or youth, or the parent or guardian of a homeless child or youth, who believes a school district has denied the child or youth entry to or continuance of an education in the district on the basis that mandatory fees cannot be paid may appeal to the department of education using the dispute resolution mechanism in rule 33.9.

281—33.7(256) Waiver of enrollment requirements encouraged; placement.

33.7(1) If a homeless child or youth seeks to enroll or to remain enrolled in a public school district, the district is encouraged to waive any requirements, such as mandatory enrollment in a minimum number of courses, which would constitute barriers to the education of the homeless child or youth.

33.7(2) In the event that a school district is unable to determine the appropriate grade or placement for a homeless child or youth because of inadequate, nonexistent, or missing student records, the district shall administer tests or utilize otherwise reasonable means to determine the appropriate grade level for the child or youth.

281—33.8(256) Residency of homeless child or youth.

33.8(1) A child or youth, a preschool child if the school offers tuition-free preschool, or a preschool child with a disability who meets the definition of homeless in these rules is entitled to receive a free, appropriate public education and necessary support services in either of the following:

- a. The district in which the homeless child or youth is actually residing, or
- b. The district of origin.

The deciding factor as to which district has the duty to enroll the homeless child or youth shall be the best interests of the child or youth. In determining the best interests of the child or youth, the district(s) shall, to the extent feasible, keep a homeless child or youth in the district of origin, except when doing so is contrary to the wishes of the parent or guardian of the child or youth. In the case of an unaccompanied youth, the local educational agency liaison shall assist in the placement or enrollment decision, taking into consideration the views of the unaccompanied youth. If the child or youth is placed or en-rolled in a school other than within the district of origin or other than a school requested by the parent or guardian or unaccompanied youth, the district shall provide a written explanation, including notice of the right to appeal under rule 33.9(256), to the parent or guardian or unaccompanied youth.

33.8(2) The choice regarding placement shall be made regardless of whether the child or youth is living with a homeless parent or has been temporarily placed elsewhere by the parent(s); or, if the child or youth is a runaway or otherwise without benefit of parent or legal guardian, where the child or youth has elected to reside.

33.8(3) Insofar as possible, a school district shall not require a homeless student to change attendance centers within a school district when a homeless student changes places of residence within the district, unless the change of residence takes the student out of the category of homeless.

33.8(4) If a homeless child or youth is otherwise eligible and has made proper application to utilize the provisions of Iowa Code section 282.18, "Open Enrollment," the child or youth shall not be denied the opportunity for open enrollment on the basis of homelessness.

281—33.9(256) Dispute resolution. If a homeless child or youth is denied access to a free, appropriate public education in either the district of origin or the district in which the child or youth is actually living, or if the child or youth's parent or guardian believes that the child or youth's best interests have not been served by the decision of a school district, an appeal may be made to the department of education as follows:

33.9(1) If the child is identified as a special education student under Iowa Code chapter 256B, the manner of appeal shall be by letter from the homeless child or youth, or the homeless child or youth's parent or guardian, to the department of education as established in Iowa Code section 256B.6 and Iowa Administrative Code 281—41.32(17A,256B,290). The letter shall not be rejected for lack of notarization, however. Representatives of the public school district where the child or youth desires to attend and of the corresponding area education agency, as well as the child, youth, or parent or guardian of the child or youth, shall present themselves at the time and place designated by the department of education for hearing on the issue. The hearing shall be held in accordance with the rules established in 281—41.32(17A,256B,290).

33.9(2) If the child is not eligible for special education services, the manner of appeal shall be by letter from the homeless child or youth or the homeless child or youth's parent or guardian to the director of the department of education. The appeal shall not be refused for lack of notarization, however. Representatives of the public school districts denying access to the homeless child or youth and the child, youth, or parent or guardian of the child or youth shall present themselves at the time and place designated by the department of education for hearing on the issue. The provisions of 281—Chapter 6 shall be applicable insofar as possible; however, the hearing shall take place in the district where the homeless child or youth is located, or at a location convenient to the appealing party.

33.9(3) At any time a school district denies access to a homeless child or youth, the district shall notify in writing the child or youth, and the child or youth's parent or guardian, if any, of the right to appeal and manner of appeal to the department of education for resolution of the dispute, and shall document the notice given. The notice shall contain the name, address, and telephone number of the legal services office in the area.

33.9(4) This chapter shall be considered by the presiding officer or administrative law judge as-signed to hear the case.

33.9(5) Nothing in these rules shall operate to prohibit mediation and settlement of the dispute short of hearing.

33.9(6) While dispute resolution is pending, the child or youth shall be enrolled immediately in the school of choice of the child's parent or guardian or the school of choice of the unaccompanied youth. The school of choice must be an attendance center either within the district of residence or the district of origin of the child or youth.

281—33.10(256) Transportation of homeless children and youth.

33.10(1) Intent. A child or youth, a preschool child if the school offers tuition-free preschool, or a preschool child with a disability who meets the definition of homeless in these rules shall not be denied access to a free, appropriate public education solely on the basis of transportation. The necessity for and feasibility of transportation shall be considered, however, in deciding which of two districts would be in the best interests of the homeless child or youth. The dispute resolution procedures in rule

33.9(256) are applicable to disputes arising over transportation issues.

33.10(2) Entitlement. Following the determination of the homeless child or youth's appropriate school district under rule 33.8(256) or 33.9(256), transportation shall be provided to the child or youth in the following manner:

- a. If the appropriate district is determined to be the district in which the child or youth is actually living, transportation for the homeless child or youth shall be provided on the same basis as for any resident child of the district, as established by Iowa Code section 285.1 or local board policy.
- b. If the appropriate district is determined to be a district other than the district in which the child or youth is actually living, the district in which the child or youth is actually living (sending district) and the district of origin shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the receiving district. If these districts are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.
- c. Rescinded IAB 7/7/04, effective 8/11/04.

281—33.11(256) School services.

33.11(1) The school district designated for the homeless child's or youth's enrollment shall make available to the child or youth all services and assistance, including but not limited to the following services, on the same basis as those services and assistance are provided to resident pupils:

- a. Compensatory education;
- b. Special education;
- c. English as a Second Language;
- d. Vocational and technical education courses or programs;
- e. Programs for gifted and talented pupils;
- f. Health services;
- g. Preschool (including Head Start and Even Start);
- h. Before and after school child care;
- i. Food and nutrition programs.

33.11(2) A district must include homeless students in its academic assessment and accountability system under the federal No Child Left Behind Act, P.L. 107-110. Assessments should be included in the economically disadvantaged category for reporting purposes. Schools are not required to disaggregate information regarding homeless students as a separate category, but may be asked to do so in accordance with the duties of the United States Secretary of Education and the Office of the State Coordinator. These rules are intended to implement the provisions of the Stewart B. McKinney Homeless Assistance Act, as reauthorized in January 2002 as the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431, et seq.).

[Filed 9/15/89, Notice 7/26/89—published 10/4/89, effective 11/8/89]

[Filed 6/17/04, Notice 5/12/04—published 7/7/04, effective 8/11/04]

APPENDIX B

McKinney - Vento Homeless Assistance Act

The McKinney-Vento Homeless Assistance Act
Reauthorized January 2002

Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

`Subtitle B--Education for Homeless Children and Youths

`SEC. 721. STATEMENT OF POLICY.

`The following is the policy of the Congress:

`(1) Each State educational agency 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.

`(2) In any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.

`(3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.

`(4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

`SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

`(a) GENERAL AUTHORITY- The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d) through (g).

`(b) APPLICATION- No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

`(c) ALLOCATION AND RESERVATIONS-

`(1) ALLOCATION- (A) Subject to subparagraph (B), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except that no State shall receive less than the greater of--

`(i) \$150,000;

`(ii) one-fourth of 1 percent of the amount appropriated under section 726 for that year; or

`(iii) the amount such State received under this section for fiscal year 2001.

`(B) If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (A), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

`(2) RESERVATIONS- (A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.

`(B)(i) The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), that are consistent with the purposes of the programs described in this subtitle.

`(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this subtitle, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

`(3) STATE DEFINED- For purposes of this subsection, the term `State' does not include the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

`(d) ACTIVITIES- Grants under this section shall be used for the following:

`(1) To carry out the policies set forth in section 721 in the State.

`(2) To provide activities for, and services to, homeless children, including preschool-aged homeless children, and youths that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.

`(3) To establish or designate an Office of Coordinator for Education of Homeless Children and Youths in the State educational agency in accordance with subsection (f).

`(4) To prepare and carry out the State plan described in subsection (g).

`(5) To develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youths.

`(e) STATE AND LOCAL SUBGRANTS-

`(1) MINIMUM DISBURSEMENTS BY STATES- From the sums made available each year to carry out this subtitle, the State educational agency shall distribute not less than 75 percent in subgrants to local educational agencies for the purposes of carrying out section 723, except that States funded at the minimum level set forth in subsection (c)(1) shall distribute not less than 50 percent in subgrants to local educational agencies for the purposes of carrying out section 723.

`(2) USE BY STATE EDUCATIONAL AGENCY- A State educational agency may use funds made available for State use under this subtitle to conduct activities under subsection (f) directly or through grants or contracts.

`(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS-

`(A) IN GENERAL- Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

`(B) EXCEPTION- Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if--

`(i) the school meets the requirements of subparagraph (C);

`(ii) any local educational agency serving a school that the homeless children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and

`(iii) the State is otherwise eligible to receive funds under this subtitle.

`(C) SCHOOL REQUIREMENTS- For the State to be eligible under subparagraph (B) to receive funds under this subtitle, the school described in such subparagraph shall--

`(i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that--

`(I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);

`(II) sets forth the general rights provided under this subtitle;

`(III) specifically states--

`(aa) the choice of schools homeless children and youths are eligible to attend, as provided in subsection (g)(3)(A);

`(bb) that no homeless child or youth is required to attend a separate school for homeless children or youths;

`(cc) that homeless children and youths shall be provided comparable services described in subsection (g)(4), including transportation services, educational services, and meals through school meals programs; and

`(dd) that homeless children and youths should not be stigmatized by school personnel; and

`(IV) provides contact information for the local liaison for homeless children and youths and the State Coordinator for Education of Homeless Children and Youths;

`(ii)(I) provide assistance to the parent or guardian of each homeless child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of schools, as provided in subsection (g)(3)(A); and

`(II) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

`(iii) ensure that the parent or guardian (or, in the case of an unaccompanied youth, the youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

`(iv) demonstrate in the school's application for funds under this subtitle that such school--

`(I) is complying with clauses (i) and (ii); and

`(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with sections 1111 and 1116 of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

`(D) SCHOOL INELIGIBILITY- A separate school described in subparagraph (B) that fails to meet the standards, regulations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

`(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS- For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B)(ii) shall--

`(i) implement a coordinated system for ensuring that homeless children and youths--

`(I) are advised of the choice of schools provided in subsection (g)(3)(A);

`(II) are immediately enrolled, in accordance with subsection (g)(3)(C), in the school selected under subsection (g)(3)(A); and

`(III) are promptly provided necessary services described in subsection (g)(4), including transportation, to allow homeless children and youths to exercise their choices of schools under subsection (g)(3)(A);

`(ii) document that written notice has been provided--

`(I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school under subparagraph (B); and

`(II) in accordance with subsection (g)(6)(A)(v);

`(iii) prohibit schools within the agency's jurisdiction from referring homeless children or youths to, or requiring homeless children and youths to enroll in or attend, a separate school described in subparagraph (B);

`(iv) identify and remove any barriers that exist in schools within the agency's jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and

`(v) not use funds received under this subtitle to establish--

`(I) new or additional separate schools for homeless children or youths; or

`(II) new or additional sites for separate schools for homeless children or youths, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.

`(F) REPORT-

`(i) PREPARATION- The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph. The report shall contain, at a minimum, information on--

`(I) compliance with all requirements of this paragraph;

`(II) barriers to school access in the school districts served by the local educational agencies; and

`(III) the progress the separate schools are making in integrating homeless children and youths into the mainstream school environment, including the average length of student enrollment in such schools.

`(ii) COMPLIANCE WITH INFORMATION REQUESTS- For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinator for Education of Homeless Children and Youths established in the State under subsection (d)(3), and shall comply with any requests for information by the Secretary and State Coordinator for such State.

`(iii) SUBMISSION- Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall submit the report described in clause (i) to--

`(I) the President;

`(II) the Committee on Education and the Workforce of the House of Representatives; and

`(III) the Committee on Health, Education, Labor, and Pensions of the Senate.

`(G) DEFINITION- For purposes of this paragraph, the term `covered county' means--

`(i) San Joaquin County, California;

`(ii) Orange County, California;

`(iii) San Diego County, California; and

`(iv) Maricopa County, Arizona.

`(f) FUNCTIONS OF THE OFFICE OF COORDINATOR- The Coordinator for Education of Homeless Children and Youths established in each State shall--

`(1) gather reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youths, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the programs under this subtitle in allowing homeless children and youths to enroll in, attend, and succeed in, school;

`(2) develop and carry out the State plan described in subsection (g);

`(3) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youths within the State;

`(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies (including agencies providing mental health services) to provide services to homeless children, including preschool-aged homeless children, and youths, and to families of such children and youths;

`(5) in order to improve the provision of comprehensive education and related services to homeless children and youths and their families, coordinate and collaborate with--

`(A) educators, including child development and preschool program personnel;

`(B) providers of services to homeless and runaway children and youths and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youths);

`(C) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and

`(D) community organizations and groups representing homeless children and youths and their families; and

`(6) provide technical assistance to local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of section 722(e)(3) and paragraphs (3) through (7) of subsection (g).

`(g) STATE PLAN-

`(1) IN GENERAL- Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

`(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.

`(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their special needs.

`(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youths.

`(D) A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youths.

`(E) A description of procedures that ensure that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.

`(F) A description of procedures that ensure that--

`(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children in the State;

`(ii) homeless youths and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services; and

`(iii) homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs.

`(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

`(H) Strategies to address other problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by--

`(i) immunization and medical records requirements;

`(ii) residency requirements;

`(iii) lack of birth certificates, school records, or other documentation;

`(iv) guardianship issues; or

`(v) uniform or dress code requirements.

`(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youths in schools in the State.

`(J) Assurances that--

`(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless;

`(ii) 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 youths, to carry out the duties described in paragraph (6)(A); and

`(iii) the State and its local educational agencies will 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, as determined in paragraph (3)(A), in accordance with the following, as applicable:

`(I) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

`(II) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

`(2) COMPLIANCE-

`(A) IN GENERAL- Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

`(B) COORDINATION- Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

`(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS-

`(A) IN GENERAL- The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest--

`(i) continue the child's or youth's education in the school of origin for the duration of homelessness--

`(I) in any case in which a family becomes homeless between academic years or during an academic year; or

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

`(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

`(B) BEST INTEREST- In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall--

`(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

`(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

`(iii) in the case of an unaccompanied youth, ensure that the homeless liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

`(C) ENROLLMENT- (i) The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

`(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

`(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), who shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D).

`(D) RECORDS- Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained--

`(i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and

`(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

`(E) ENROLLMENT DISPUTES- If a dispute arises over school selection or enrollment in a school--

`(i) the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

`(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

`(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

`(iv) in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

`(F) PLACEMENT CHOICE- 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.

`(G) SCHOOL OF ORIGIN DEFINED- In this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

`(H) CONTACT INFORMATION- Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

`(4) COMPARABLE SERVICES- Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

`(A) Transportation services.

`(B) Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

`(C) Programs in vocational and technical education.

`(D) Programs for gifted and talented students.

`(E) School nutrition programs.

`(5) COORDINATION-

`(A) IN GENERAL- Each local educational agency serving homeless children and youths that receives assistance under this subtitle shall coordinate--

`(i) the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

`(ii) with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

`(B) HOUSING ASSISTANCE- If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

`(C) COORDINATION PURPOSE- The coordination required under subparagraphs (A) and (B) shall be designed to--

`(i) ensure that homeless children and youths have access and reasonable proximity to available education and related support services; and

`(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

`(6) LOCAL EDUCATIONAL AGENCY LIAISON-

`(A) DUTIES- Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that--

`(i) homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

`(ii) homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

`(iii) homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local

educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

`(iv) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

`(v) public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens;

`(vi) enrollment disputes are mediated in accordance with paragraph (3)(E); and

`(vii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A).

`(B) NOTICE- State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the local educational agency liaisons.

`(C) LOCAL AND STATE COORDINATION- Local educational agency liaisons for homeless children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths.

`(7) REVIEW AND REVISIONS-

`(A) IN GENERAL- Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).

`(B) CONSIDERATION- In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

`(C) SPECIAL ATTENTION- Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.

SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS.

`(a) GENERAL AUTHORITY-

`(1) IN GENERAL- The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youths.

`(2) SERVICES-

`(A) IN GENERAL- Services under paragraph (1)--

`(i) may be provided through programs on school grounds or at other facilities;

`(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youths with nonhomeless children and youths; and

`(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not to replace such services provided under such program.

`(B) SERVICES ON SCHOOL GROUNDS- If services under paragraph (1) are provided on school grounds, schools--

`(i) may use funds under this subtitle to provide the same services to other children and youths who are determined by the local educational agency to be at risk of failing in, or dropping out of, school, subject to the requirements of clause (ii); and

`(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in settings within a school that segregate homeless children and youths from other children and youths, except as necessary for short periods of time--

`(I) for health and safety emergencies; or

`(II) to provide temporary, special, and supplementary services to meet the unique needs of homeless children and youths.

`(3) REQUIREMENT- Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

`(b) APPLICATION- A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

`(1) An assessment of the educational and related needs of homeless children and youths in the area served by such agency (which may be undertaken as part of needs assessments for other disadvantaged groups).

`(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

`(3) An assurance that the local educational agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

`(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

`(5) A description of policies and procedures, consistent with section 722(e)(3), that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youths.

`(c) AWARDS-

`(1) IN GENERAL- The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

`(2) NEED- In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youths enrolled in preschool, elementary, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youths and the ability of the local educational agency to meet such needs. The State educational agency may also consider the following:

`(A) The extent to which the proposed use of funds will facilitate the enrollment, retention, and educational success of homeless children and youths.

`(B) The extent to which the application--

`(i) reflects coordination with other local and State agencies that serve homeless children and youths; and

`(ii) describes how the applicant will meet the requirements of section 722(g)(3).

`(C) The extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youths.

`(D) Such other criteria as the State agency determines appropriate.

`(3) QUALITY- In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

`(A) The applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs.

`(B) The types, intensity, and coordination of the services to be provided under the program.

`(C) The involvement of parents or guardians of homeless children or youths in the education of their children.

`(D) The extent to which homeless children and youths will be integrated within the regular education program.

`(E) The quality of the applicant's evaluation plan for the program.

`(F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youths and their families.

`(G) Such other measures as the State educational agency considers indicative of a high-quality program, such as the extent to which the local educational agency will provide case management or related services to unaccompanied youths.

`(4) DURATION OF GRANTS- Grants awarded under this section shall be for terms not to exceed 3 years.

`(d) AUTHORIZED ACTIVITIES- A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

`(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State academic content standards and challenging State student academic achievement standards the State establishes for other children and youths.

`(2) The provision of expedited evaluations of the strengths and needs of homeless children and youths, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational and technical education, and school nutrition programs).

`(3) Professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youths, the rights of such children and youths under this subtitle, and the specific educational needs of runaway and homeless youths.

`(4) The provision of referral services to homeless children and youths for medical, dental, mental, and other health services.

`(5) The provision of assistance to defray the excess cost of transportation for students under section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3).

`(6) The provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged homeless children.

`(7) The provision of services and assistance to attract, engage, and retain homeless children and youths, and unaccompanied youths, in public school programs and services provided to nonhomeless children and youths.

`(8) The provision for homeless children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

`(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.

`(10) The provision of education and training to the parents of homeless children and youths about the rights of, and resources available to, such children and youths.

`(11) The development of coordination between schools and agencies providing services to homeless children and youths, as described in section 722(g)(5).

`(12) The provision of pupil services (including violence prevention counseling) and referrals for such services.

`(13) Activities to address the particular needs of homeless children and youths that may arise from domestic violence.

`(14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

`(15) The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

`(16) The provision of other extraordinary or emergency assistance needed to enable homeless children and youths to attend school.

`SEC. 724. SECRETARIAL RESPONSIBILITIES.

`(a) REVIEW OF STATE PLANS- In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of homeless children and youths relating to access to education and placement as described in such plan.

`(b) TECHNICAL ASSISTANCE- The Secretary shall provide support and technical assistance to a State educational agency to assist such agency in carrying out its responsibilities under this subtitle, if requested by the State educational agency.

`(c) NOTICE- The Secretary shall, before the next school year that begins after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, create and disseminate nationwide a public notice of the educational rights of homeless children and youths and disseminate such notice to other Federal agencies, programs, and grantees, including Head Start grantees, Health Care for the Homeless grantees, Emergency Food and Shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.

`(d) EVALUATION AND DISSEMINATION- The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

`(e) SUBMISSION AND DISTRIBUTION- The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

`(f) DETERMINATION BY SECRETARY- The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education, as described in section 721(1).

`(g) GUIDELINES- The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, school enrollment guidelines for States with respect to homeless children and youths. The guidelines shall describe--

`(1) successful ways in which a State may assist local educational agencies to immediately enroll homeless children and youths in school; and

`(2) how a State can review the State's requirements regarding immunization and medical or school records and make such revisions to the requirements as are appropriate and necessary in order to enroll homeless children and youths in school immediately.

`(h) INFORMATION-

`(1) IN GENERAL- From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding--

`(A) the number and location of homeless children and youths;

`(B) the education and related services such children and youths receive;

`(C) the extent to which the needs of homeless children and youths are being met; and

`(D) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

`(2) COORDINATION- The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

`(i) REPORT- Not later than 4 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youths, which shall include information on--

`(1) the education of homeless children and youths; and

`(2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

`SEC. 725. DEFINITIONS.

`For purposes of this subtitle:

(1) The terms 'enroll' and 'enrollment' include attending classes and participating fully in school activities.

(2) The term 'homeless children and youths'--

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes--

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

(3) The terms 'local educational agency' and 'State educational agency' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965.

(4) The term 'Secretary' means the Secretary of Education.

(5) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(6) The term 'unaccompanied youth' includes a youth not in the physical custody of a parent or guardian.

SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

'For the purpose of carrying out this subtitle, there are authorized to be appropriated \$70,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2007.'

[Return to the EHCY Reauthorization Page](#)

For more information, please contact Barbara Duffield at NCH at 202.737.6444, ext. 18, or email at bduffield@nationalhomeless.org.

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APPENDIX C

Duties of the LEA Liaison for Homeless Children and Youth

Each local educational liaison for homeless children and youths, shall ensure that:

- ◆ Homeless children and youths are identified by school personnel through practices adopted by the district and through coordination activities with other entities and agencies.
- ◆ Homeless children and youths enroll in, and have a full and equal opportunity to succeed in schools of the district.
- ◆ Homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the district, and referrals to health care services, dental services, mental health services, and other appropriate services.
- ◆ The parents and guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
- ◆ Public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive service under this Act, such as schools, family shelters, and soup kitchens.
- ◆ Enrollment disputes are mediated in accordance with the Enrollment Disputes section of the McKinney-Vento Act.
- ◆ The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin and is assisted in accessing transportation to the school that is selected according to the child's best interests. (See Appendix H).

Liaisons are required:

- ◆ To assist unaccompanied youth in placement/enrollment decisions, including considering the youth's wishes in those decisions, and providing notice to the youth of the right to appeal such decisions under the enrollment disputes provisions.
- ◆ To ensure that unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over school enrollment or placement.
- ◆ To assist children and youth who do not have immunizations, or immunization or medical records, to obtain necessary immunizations, or immunization or medical records.

As part of their duties, liaisons are required to collaborate and coordinate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.

APPENDIX D

Key Provisions in Title I Relating to Homelessness

- A child or youth who is homeless and is attending any school in the district is automatically eligible for Title I services.
- Local Educational Agencies (LEAs), otherwise known as school districts, must reserve (or set aside) funds as are necessary to provide services comparable to those provided to children in Title I, Part A, -funded schools 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.
- An LEA may receive funding under Title I, Part A, only if the LEA has on file with the State Educational Agency (SEA) a plan, approved by the SEA, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate. Each LEA Title I plan must include a description of the services that will be provided to homeless children, including services provided with funds from the Reservation of Funds set-aside.
- Any state desiring to receive funding under Title I, Part A, must submit a plan to the Secretary that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.
- States must include homeless students, as defined by the McKinney-Vento Act, in their academic assessment, reporting, and accountability systems. [Title I, Part A Regulation 200.6(d)]

Title I of the Elementary and Secondary Education Act (ESEA) targets those students most at risk of failing in school. Among students at risk of school failure are children and youth experiencing homelessness. Children and youth who are homeless are more likely to miss school and to change schools than are other children and youth; they are, therefore, at higher risk of educational failure.

Children and youth in homeless situations benefit from Title I services and programs. However, additional Title I funds may be needed to address specific needs of children who are homeless or highly mobile. For example, an excellent reading program implemented in a School-wide school or Targeted Assistance school will not be effective for children and youth who are unable to attend school regularly. In this instance, an appropriate expenditure of Title I funds would be to remove barriers that prevent regular attendance, such as providing transportation to school. Set-aside funds should support children and youth experiencing homelessness in non-Title I participating schools and those in participating schools who need additional support outside of school, including students living in shelters, motels, transitional living programs, and other locations.

The ESEA requires a state plan that demonstrates coordination between Title I and the McKinney-Vento Act. Coordination of services results in the most effective use of resources, ensuring that the needs of students experiencing homelessness are addressed in a comprehensive and integrated fashion. LEA homeless liaisons, now required to be appointed in every school district, and district Title I coordinators must communicate and collaborate on an ongoing basis to identify the needs of children and youth experiencing homelessness, review resources, and plan ways to address needs. Collaboration results in a “win-win” situation: students in homeless situations achieve to high standards, and student achievement in the district increases as a whole.

Strategies for Using Title I Funds to Serve Students Experiencing Homelessness

- Enroll homeless students in existing Title I programs and provide homeless students with Title I services being implemented within the LEA.
- Combine Title I funds with other funding sources such as modified Allowable Growth for Dropout

Prevention to meet basic needs (clothing, supplies, health) of students experiencing homelessness so that they may participate more fully in school.

- Improve Title I parent involvement activities that make a special effort to reach out to parents in homeless situations.
- In districts that qualify to establish Title I set-asides for homeless populations consider using set-aside funds for after-school and/or summer programs and outreach services to children and youth living in shelters, transitional living programs, motels, and other temporary residences. Also consider services for highly mobile students.
- Collect data on students experiencing homelessness as part of the overall districtwide data collection system including Title I.
- Pool Title I, McKinney-Vento, and other sources of federal and state funds identified in in CSIP application forms to provide a comprehensive program for children at risk of failure, ensuring that specific needs of children experiencing homelessness or high mobility are met.

Strategies to Facilitate Collaboration and Coordination between Title I and McKinney-Vento

- Ensure that LEA homeless liaisons attend Title I conferences and in-services and that Title I coordinators attend homeless education conferences and in-services.
- Ensure collaboration between local Title I coordinators and LEA homeless liaisons on a local plan that identifies ways that Title I will serve children and youth experiencing homelessness.
- Ensure collaboration between the state Title I coordinator and the state McKinney-Vento coordinator on the state Title I plan or the state consolidated plan.
- Share Title I and Homeless Education handbooks with each program.
- Collect and share across the district concrete data on the needs of homeless children and youth.
- Involve Title I coordinators in structured coalition-building with homeless education programs and organizations that serve homeless families and unaccompanied homeless youth, and establish common goals.
- Initiate district efforts to make organizational accommodations for homeless children and youth as necessary in such areas as transportation, remaining in the school of origin, records transfer, class scheduling, and special services that will help them enroll, attend, and succeed in school.
- Involve homeless education program staff in school improvement issues; make sure that addressing the needs of highly mobile students is included in the school improvement plans— not addressed as a separate issue.
- Co-locate Title I and homeless education programs.
- Emphasize that coordination and sharing of resources is beneficial to the district as a whole because serving homeless children and youth will increase school achievement, lower truancy and dropout rates, and increase overall funding to the district.
- Determine what funding is available to serve homeless children and youth and how it is being used. Identify needs and develop a cross-program approach to address unmet needs.
- Establish and widely disseminate information on districtwide policies, procedures, and guidelines to identify and serve homeless children and youth.

Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act.

APPENDIX E

Provisions of McKinney – Vento Act of 2002

*(Drafted by Patricia Julianelle, National Law Center on Homelessness & Poverty,
for publication in the children's Legal Rights Journal, Spring, 2002)*

**This is a handout at the March 14-15, 2002 meeting of the State Coordinators for Homeless Education
Sponsored by the U.S. Department of Education & The National Center for Homeless Education at SERVE**

PRESCHOOL

The McKinney-Vento Act recognizes the importance of preschool in ensuring that children are able to take full advantage of later educational opportunities. 42% of children and youth experiencing homelessness are below the age of five. Only 15% of these children are enrolled in preschool programs. [U.S. Department of Education, Fiscal Year 2000 Education for Homeless Children and Youth Program, Report to Congress 9 (2000)] In an effort to address this lack of access to preschool, the McKinney-Vento Act specifically covers preschool-aged children experiencing homelessness. State plans must describe “procedures that ensure that homeless children have equal access to the same public preschool programs, administered by the State agency as provided to other children in the state. McKinney-Vento [722(g)(1)(F)(i)] Both liaisons and state coordinators have responsibility for implementing these procedures.

Liaisons must “ensure that...homeless families, children and youths receive educational services for which they are eligible, including Head Start and Even Start programs and preschool programs administered by the LEA. McKinney-Vento [722(g)(6)(A)(iii)] State coordinators are required to “facilitate coordination between the State Education Agency, the State social services agency, and other agencies...to provide services to homeless children, including preschool-aged homeless children...” McKinney-Vento [722(d)(4)] They must also “coordinate and collaborate with educators, including child development and preschool program personnel” to “improve the provision of comprehensive education and related services to homeless children...” McKinney-Vento [722(d)(5)(A)]

For their part, Head Start grantees and delegate agencies have been directed to coordinate with State Coordinators, LEA liaisons and community agencies to ensure that children experiencing homelessness can access preschool services. The Administration for Children and Families of the U.S. Department of Health and Human Services issued an Information Memorandum in 1992 [Wade F. Horn, Administration for Children and Families of U.S. HHS, Information Memorandum, ACF-IM-92-12 (June 5, 1992) copies are available from the National Law Center at nlchp@nlchp.org.] encouraging Head Start programs to target families in homeless situations. The memorandum notes that “preschool is especially significant for the homeless child. Head Start grantees are encouraged to adapt their programs to serve children in homeless situations by providing transportation, reserving a number or percentage of slots for children who are homeless, and providing flexible schedules, among other strategies.

The McKinney-Vento Act permits SEAs and LEAs to use McKinney-Vento funds directly to provide preschool services to young children experiencing homelessness. States are to use McKinney-Vento grants in part to “provide activities for, and services to, homeless children, including preschool-aged homeless children, and youths that enable such children and youths to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.” LEAs can also use their McKinney-Vento sub-grants to provide “developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged homeless children.” However, all services provided with sub-grants must, “to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children...with non-homeless children...” McKinney-Vento [723(a)(2)(A)(ii)]

APPENDIX F

Homeless Children in the School Nutrition Programs Memorandum Sent to Homeless Liaisons

Date: November 7, 2002

To: Homeless Liaison

From: Julia Thorius, Chief, Bureau of Food and Nutrition
Patti Harding, Lead Consultant, Bureau of Food and Nutrition
Ray Morley, State Coordinator for Education of Homeless Children and Youths

Subject: Homeless Children in the School Nutrition Programs

The Iowa Department of Education is in the process of implementing the changes mandated in the McKinney-Vento Homeless Assistance Act (Title X of NCLB) which provides the definition of homeless children and youths for use in education. Another provision of the statute requires each school district to designate a local educational agency liaison for homeless children and youth. Many districts already have a designated liaison. Districts that have not designated a liaison please complete the enclosed form and return to Gretchen Kelly. It is recommended that liaisons be professional staff providing services within the public school/s. The information in this memorandum describes how the changes will impact the School Nutrition Programs at the local level. **Districts may need to review the approved reduced price meal applications and any denied meal applications on file to see if this new information will impact the level of benefits households are receiving.**

Definition of “Homeless”

As specified in the statute, the term “homeless”: means individuals who lack a fixed, regular, and adequate nighttime residence. The definition includes:

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

Cooperation with local educational agency liaison

USDA is asking State agencies and school food authorities to be particularly sensitive to children and households who are identified by the local educational agency liaison as homeless. School food authorities should work with their local educational agency liaison for homeless youth and, where appropriate, Ray Morley, State Coordinator for Education of Homeless Children and Youths at 515-281-3966 to help ensure that these children, as well as other children who are defined as homeless by a director of a homeless shelter, have immediate access to the benefits of the child nutrition programs.

Documentation of free meal eligibility for homeless children

To expedite the delivery of nutritional benefits, school officials may accept documentation that the children are homeless from the local education liaison or director of a shelter or transitional housing project where the children reside. Documentation to substantiate free meal eligibility must consist of the child's name or a list of names, effective date(s), and the signature of the local educational liaison or the director of the shelter or transitional housing project. This documentation is acceptable in lieu of a free and reduced price meal application.

To implement these expedited procedures, school officials must work closely with the education liaison and director/s of homeless shelters and transitional housing projects to ensure that children are provided free meals benefits as promptly as possible, as well as to ensure that the school food service is promptly advised when children leave the school or are no longer considered homeless. In the latter case, school officials must provide the household with an application for free and reduced price meals.

Homeless children residing with another household

A child or family may temporarily reside with another household and still be considered homeless under the definition of homeless in the McKinney-Vento Homeless Assistance Act. In these cases the household size and income of the host family is not taken into consideration in determining the free meal eligibility for the child(ren) designated as homeless by the local educational agency liaison. Additionally, when a host family applies for free and reduced price meals for their own children, the host family may, if it chooses, include the homeless family as household members if the host family provides financial support to the homeless family, such as shelter, utilities, clothing or food. In such cases, the host family must also include any income received by the homeless family. School officials must determine eligibility for the host family in the traditional manner using total household members and income from all sources. However, free meal eligibility for the homeless child(ren) is based on the documentation provided by the local education liaison, even when the child is included on the host family's free and reduced price meal application. If the host family meets the free and reduced price meal eligibility criteria, school officials should provide the host family with temporary approval for free or reduced price meal benefits, as appropriate. The host family's eligibility should be re-evaluated when their household size decreases, i.e., the homeless family leaves.

Questions concerning meal benefits should be directed to Patti Harding at 515-281-4754 or patti.harding@ed.state.ia.us and questions concerning the homeless liaison should be directed to Ray Morley at 515-281-3966 or ray.morley@ed.state.ia.us.