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2007-2008 Title X, Part C Education for Homeless Children and Youth

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This guidance clarifies the requirements of the McKinney-Vento Act and the program requirements. It applies to both subgrantees and all local education agencies and does not impose any requirements beyond those in the program statute and other applicable federal statutes and regulations. This guidance has been updated based on frequently asked questions in Florida and nationally, including those summarized in guidance from the U.S. Department of Education in 2004 and *The 100 Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations*, published by the National Association for the Education of Homeless Children and Youth and the National Law Center on Homelessness and Poverty.

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INTRODUCTION

A-1. What is the statutory authority for the McKinney-Vento Program?

The McKinney-Vento Act was amended as a part of the No Child Left Behind (NCLB) Act in 2001. It is now the McKinney-Vento Homeless Education Assistance Improvements Act of 2001 (42 USC 11301), under Public Law 107-110, Title X, Part C, Subtitle B, Sections 721-726.

A-2. What is the purpose of the McKinney-Vento Education for Homeless Children and Youth (McKinney-Vento) Program?

The McKinney-Vento Program addresses the problems that homeless children and youth face in enrolling, attending, and succeeding in school. Under this program, State Educational Agencies (SEAs), including the Florida Department of Education (FDOE), must ensure homeless children or youth have equal access to the same free, appropriate public education. Homeless children and youth should have access to educational and other services that they need to enable them to meet the Sunshine State Standards to which all Florida students are held. In addition, homeless students may not be separated from the mainstream school environment.

The FDOE and Local Educational Agencies (LEAs) are required to review and revise laws, regulations, practices, or policies that may act as barriers to the enrollment, attendance, or success in school of homeless children and youth. In Florida, this applies to all LEAs, including the 67 school districts, four university developmental research schools, and Florida School for the Deaf and the Blind.

A-3. How does the current McKinney-Vento Act differ from its predecessor?

The main differences between the current McKinney-Vento Program and its predecessor program are the following requirements:

1. *Local homeless liaison in all LEAs*—Every LEA, whether or not it receives a McKinney-Vento Act subgrant, must designate a local homeless liaison for homeless children and youth.
2. *Changes in “school placement” determinations*—LEAs must make school placement determinations on the *basis of the best interest of the child or youth*. In determining what is in his or her best interest, the LEA must, to the extent feasible, keep a homeless child or youth in the school of origin, unless doing so is against the wishes of his or her parent or guardian.
3. *Immediate school enrollment*—If a dispute arises over school selection or placement, the LEA must admit a homeless child or youth to the school in which enrollment is sought by the parent or guardian, pending resolution of the dispute (see Section “E”).
4. *Prohibition against segregating homeless students*—The Act expressly prohibits a school or state from segregating homeless children or youth in a separate school, or in a separate program within a school, based on their homeless status.

5. *Transportation to and from “school of origin”*–The state and its LEAs must adopt policies and practices to ensure transportation is provided, at the request of the parent or guardian (or in the case of the unaccompanied youth, at the request of the liaison) to and from the school of origin. There are specific provisions regarding the responsibility and costs for transportation (see Section “I”).
6. *New subgrant requirements*–A state that receives an allocation greater than the state minimum allotment (\$150,000) must competitively subgrant to LEAs at least 75 percent of its allocation.

A-4. Who are homeless children and youth?

The McKinney-Vento Act defines homeless children and youth as individuals who lack a fixed, regular, and adequate nighttime residence [Section 725(2)]. This includes:

1. Children and youth who are:
 - a. sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as “doubled-up”);
 - b. living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
 - c. living in emergency or transitional shelters;
 - d. abandoned in hospitals; or
 - e. awaiting foster care placement.
2. Children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
3. Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
4. Migratory children who qualify as homeless because they are living in circumstances described above.

Also included are:

1. Homeless preschoolers.
2. Homeless unaccompanied youth, which includes youth who are not in the physical custody of a parent or guardian [Section 725(6)]. This would include youth living in runaway shelters, abandoned buildings, cars, on the streets, or in other inadequate housing; youth denied housing by their families (sometimes referred to as “throwaway” youth); and school-age unwed mothers, living in homes for unwed mothers, who have no other housing available.

If a youth’s living situation does not clearly fall into the situations described above, the LEA should refer to the McKinney-Vento definition of “fixed, regular, and adequate nighttime residence” and consider the relative permanence of the living arrangements.

A-5. Do Mc-Kinney-Vento Act requirements apply to all LEAs, even those not receiving Title X, Part C funds?

Yes. Section 722(g)(3) of the Act requires all LEAs to:

1. Designate an appropriate staff person as the local homeless liaison.
2. Develop, review, and revise their policies to remove barriers to the enrollment and retention of children and youth in homeless situations.
3. Keep homeless students in their school of origin, to the extent feasible, unless it is against the parent or guardian's wishes.
4. Immediately enroll students in homeless situations.
5. Provide transportation to the school of origin.
6. Provide services comparable to services offered to other students.

Responsibilities specific to subgrantees are described in Section "M."

A-6. Does a state's academic assessment system need to include homeless students?

Yes. States must include homeless students in their academic assessment, reporting, and accountability systems, consistent with Section 1111(b)(3)(C)(xi). Assessments of homeless students are to be included in the LEA or in the state accountability system when students have been in a school for a full academic year. However, states are not required to disaggregate the assessment results of homeless students as a separate category (Public Law 107-110).

A-7. What federal civil rights requirements apply to LEAs in educating homeless children?

LEAs, as recipients of federal financial assistance and as public entities, must ensure their educational programs for homeless children are administered in a non-discriminatory manner. The U.S. Department of Education Office for Civil Rights (OCR) enforces federal laws that prohibit discrimination on the basis of:

- Race, color, or national origin (Title VI of the Civil Rights Act of 1964);
- Sex (Title IX of the Education Amendments of 1972);
- Age (Age Discrimination Act of 1975); and
- Disability (Section 504 of the Rehabilitation Act of 1973, for recipients of federal financial assistance, and Title II of the Americans With Disabilities Act of 1990, for public educational entities).

LOCAL HOMELESS LIAISON

B-1. What are the duties of the local homeless liaison?

Section 722(g)(6) of the Act requires the local homeless liaison to ensure that:

1. Homeless children and youth, including unaccompanied youth, are identified by school personnel and through coordination activities with other entities and agencies.
2. Homeless children and youth enroll in, and have a full and equal opportunity to succeed in, schools of that LEA.
3. Homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start, Even Start, and other preschool programs administered by the LEA, and referrals to health care services, dental services, mental health services, and other appropriate services.
4. 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.
5. Public notice of the educational rights of homeless children and youth is disseminated where such children and youth receive services under this Act, such as schools, family shelters, and soup kitchens.
6. Enrollment disputes are mediated.
7. The parents or guardians of a homeless child or youth, or any unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school of origin or the school which serves the location where the student currently resides.

Additionally, as part of their duties, LEA homeless liaisons coordinate and collaborate with the state Homeless Education Coordinator and community and school personnel responsible for providing education and related services to homeless children and youth.

Finally, LEAs must inform school personnel, service providers, and advocates working with homeless families of the duties of the local homeless liaisons.

B-2. How can a local homeless liaison identify homeless preschoolers?

Local homeless liaisons can identify preschool aged homeless children by working closely with shelters and social service agencies in their area. In addition, the liaison should work with school personnel, who can inquire whether the family has preschool aged children, at the time they are enrolling K-12 homeless children and youth in school.

The local homeless liaison can also collaborate with the school or the Exceptional Student Education (ESE) program staff. The federal Individuals with Disabilities Education Act (IDEA) requires that all children, including highly mobile children with disabilities, such as migrant and homeless children who are in need of special education and related services, are located, identified, and evaluated. Additionally, IDEA requires that homeless preschoolers and all homeless children be included in the “Child Find” process for early identification of special education needs.

Child Find is a component of IDEA that requires states to identify, locate, and evaluate all children suspected of having a disability, aged birth to 21, who are in need of early intervention or special education services. In Florida, the Florida Diagnostic and Learning Resources System (FDLRS) Child, in coordination with the school districts, locates children who are potentially eligible for services under the IDEA and links them with needed services.

B-3. How can a local homeless liaison assist homeless families in enrolling their children in a preschool if the program has a waiting list?

The local homeless liaison can work with preschool program staff to remind them how important their services are for homeless children and to inform them of how waiting lists often create barriers for homeless families who wish to enroll their children. Some preschool programs keep slots open specifically for homeless children. The liaison may also work with the preschool programs to encourage them to move homeless students to the top of the waiting list or give parents a list of other locations or schools that have openings. The liaison may also want to negotiate with preschool programs to assign extra “risk points” to homeless children. The risk points would help move homeless students to a higher priority on waiting lists.

B-4. How can a local homeless liaison assist homeless unaccompanied youth in accessing the educational services to which they are entitled?

The local homeless liaison can assist unaccompanied youth in accessing educational services through activities such as:

1. Helping them choose and enroll in a school, after considering the youth’s wishes;
2. Providing them with notice of their appeal rights in a language they can understand or in an accessible format;
3. Informing them of their right to transportation to and from the school of origin, and assisting them in obtaining such transportation; and
4. Ensuring that they are immediately enrolled in school pending the resolution of disputes.

B-5. Does the Act specify that the local homeless liaison must be a full-time employee?

No. The Act does not specify that the liaison must be a full-time employee. The Act states that LEAs will designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local homeless liaison [Section 722(g)(1)(J)(ii)].

SCHOOL PLACEMENT

C-1. Why is it so important to maintain a stable education environment for homeless children and youth?

Changing schools significantly impedes a student's academic and social growth. The research on highly mobile students indicates that it can take a student four to six months to recover academically after changing schools. Highly mobile students have also been found to have lower test scores and overall academic performance than peers who do not change schools. Therefore, the McKinney-Vento Act calls for LEAs to keep students in their school of origin to the extent feasible.

C-2. What is the school of origin?

The school of origin is the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

C-3. On what basis does the LEA make school placement determinations for homeless students?

Homeless students frequently move, and maintaining a stable school environment is critical to their success in school. To ensure this stability, LEAs must make school placement determinations that are in the best interest of the homeless student. Using this standard, the LEA must:

1. Continue the student's education in the school of origin for the duration of homelessness;
2. Continue the student's education in the school of origin when a family becomes homeless between academic years or during an academic year;
3. Continue the student's education in the school of origin for the remainder of the academic year if the homeless student becomes permanently housed during the academic year; or
4. Enroll the student in any public school in the attendance area in which the student is actually living and is eligible to attend.

C-4. How does the LEA determine what is in the student's "best interest"?

In determining what is in the student's best interest, the LEA must, to the extent feasible, keep the student in the school of origin, unless doing so is contrary to the wishes of the student's parent or guardian. If the LEA wishes to send a homeless student to a school other than the school of origin or other than an eligible school requested by the parent or guardian, the LEA must provide a written explanation of its decision to the parent or guardian, and attach a statement regarding the rights of the parent or guardian to appeal the placement decision. The same provisions apply to homeless unaccompanied youth.

C-5. What should the LEA consider when determining the extent to which it is feasible to educate a homeless student in his or her school of origin?

Each determination should be made on an individual basis. The LEA may consider factors that include the age of the child or youth; the distance of a commute and the impact it may have on the student's education; personal safety issues; a student's need for special instruction (e.g., special education and related services); the length of anticipated stay in a temporary shelter or other temporary location; and the time remaining in the school year.

C-6. If a student finds temporary housing across state lines from the school of origin, does the McKinney-Vento Act still apply?

Yes. Since the McKinney-Vento Act is a federal law, it applies as in any other situation. Therefore, the student must be placed in the school of origin, unless that is against the parent's or guardian's wishes or is not feasible. Crossing state lines is not inherently unfeasible. Schools must conduct the standard feasibility inquiry, based on the needs and circumstances of the individual student. The involved state coordinators and liaisons should work together to provide services.*

C-7. If a student is out of school for an extended period of time, does the student still have the right to go to the school of origin?

Yes. The law applies as in any other situation: the student has the right to remain in the school of origin unless it is not feasible. The fact that the student missed a period of schooling does not make attending the school of origin unfeasible. For example, it may be better for the child to return to a familiar school, teachers, and peers, to make up for lost time and to reintegrate smoothly into school.*

C-8. If a student in a homeless situation enrolls in a new school because he/she or his/her parent or guardian was not informed of the student's right to remain in the school of origin, does the student still have the right to go back to the school of origin?

Yes. If a parent, guardian, or youth is not informed of his/her rights, then the LEA must enroll the student in the original school of origin, consistent with the parent's or youth's wishes (and feasibility). The LEA is required to inform families of their rights.*

SCHOOL ENROLLMENT AND ATTENDANCE

D-1. Are there specific enrollment requirements that schools must follow under the McKinney-Vento Act?

Yes. The Act (Section 722(g)(3)(C) and (E), Public Law 107-110) requires enrolling schools to:

1. Immediately enroll the homeless student, even if the student is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation.

2. Immediately contact the prior school the student attended to obtain relevant academic and other records.
3. Immediately refer the parent or guardian of the student or the unaccompanied youth to the local homeless liaison to assist in obtaining necessary immunizations, or medical and immunization records, if needed.
4. Provide a written explanation of its decision and the right to appeal if a student is sent to a school other than an eligible one requested by a parent or guardian or the unaccompanied youth.

D-2. May the LEA require a parent, guardian, or homeless student to submit contact information?

Yes. The LEA may require a parent, guardian, or homeless student to submit contact information. However, LEAs cannot require them to submit proof of residency.

D-3. What are some steps that LEAs can take to ensure immediate enrollment?

Enrolling homeless children in school immediately provides them with needed stability, and is a legal requirement. To facilitate immediate enrollment, LEAs may implement the following practices:

1. Train all school enrollment staff, registrars, secretaries, guidance counselors, school social workers, and school administrators on the legal requirements regarding immediate enrollment.
2. Review all regulations and policies to ensure they comply with the McKinney-Vento Act requirements.
3. Develop affidavits of residence or other forms to replace typical proof of residency. Such forms should be carefully crafted, so they do not create further barriers or delay enrollment. For example, forms should not require notarization.
4. Develop caregiver affidavits, enrollment forms for unaccompanied youth, and other forms to replace typical proof of guardianship. Again, such forms should be carefully crafted so they do not create further barriers or delay enrollment.
5. Establish school-based immunization clinics or other opportunities for on-site immunizations.
6. Collaborate with community-based or public agencies to provide school uniforms within the LEA and among neighboring LEAs.
7. Accept school records directly from families and youth.

8. Develop short educational assessments to place students immediately while awaiting complete academic records.
9. Inform families and youth in a language they can understand or in an accessible format, as appropriate, of their right to attend either their school of origin or the school for which they are zoned.
10. Inform families and youth in a language they can understand or in an accessible format, as appropriate, of their right to transportation and immediate enrollment.
11. Develop clear, understandable, and accessible forms for written explanations of decisions and the right to appeal.
12. Expediently follow up on any needed ESE and/or English Language Learners (ELL) assistance, referrals, or services.

D-4. May a homeless student be enrolled immediately in school without certification of a school-entry health examination or immunization?

Yes. The McKinney-Vento Act requires LEAs to enroll a homeless student immediately, even if he or she does not have medical or immunization records. If the student needs to obtain immunizations, or medical or immunization records, the enrolling school must immediately refer the parent or guardian to the LEA homeless liaison. The liaison must assist in obtaining the immunizations or records.

Also, Florida Statutes require the public school health nurse to follow up on such a student until proper documentation or immunizations are obtained (Section 1003.22(5)(e), Florida Statutes). The statutes also require schools to give homeless children a temporary exemption of up to 30 school days to present or have on file such documentation (Subsections 1003.22(1) and (5)(e), Florida Statutes).

D-5. If a state or LEA has rules for absences (for example, requiring students with ten absences to be referred to juvenile court or to fail classes automatically), how do those rules apply to students in homeless situations?

Frequently, students in homeless situations will miss school due to their living situations. Absences caused by homelessness should not be counted against students. The McKinney-Vento Act requires that school policies, procedures, and rules address the realities of homelessness and not create a barrier to enrollment and retention in school. Rules for absenteeism can be such barriers, particularly when they result in class failures, exclusion from school, or court involvement.*

Local homeless liaisons should work with district attendance coordinators to develop an effective system of identifying homeless students, in order to avoid inappropriate attendance sanction referrals. The liaison, attendance coordinators, or truancy officials should collaborate on developing and offering training designed to assist school personnel in recognizing absences that may be a result of homelessness.

DISPUTE RESOLUTION

E-1. What are the requirements for resolving disputes over the educational placement of homeless students?

The McKinney-Vento Act requires each state to establish its own procedures for the prompt resolution of disputes regarding the educational placement of homeless students [Section 722(g)(1)(C)]. The Act also requires LEAs to follow certain procedures if a dispute arises over school selection or enrollment in a school [Section 722(g)(3)(E)].

E-2. What are the FDOE's procedures for the prompt resolution of disputes?

If the school selection or enrollment dispute cannot be resolved by the LEA, the local homeless liaison must provide the *FDOE School Dispute Resolution Appeal Process* form to the parent, guardian, or unaccompanied youth. They may file an appeal within ten working days after receiving the written notification of the LEA's decision. The local homeless liaison is required to notify the FDOE of the state-level appeal and also must log incidents of dispute appeals in the FDOE Online Dispute Resolution Tracking System at <https://data.fldoe.org/homelessdispute>.

Upon receipt of the notice of appeal, the FDOE must, within ten working days, convene a panel to review the entire record of the dispute, including any written statements submitted, and make a determination based on the child's or youth's best interest. Within ten working days of the date the panel convenes, the panel shall provide its recommendation to the Commissioner of Education. Within ten working days of receipt of the recommendation, the Commissioner shall make the final determination. For educational purposes, the decision of the Commissioner in such cases is final. The FDOE will provide a written decision regarding the appeal to all parties involved, including the local homeless liaison.

The FDOE's step-by-step procedures for the prompt resolution of disputes are addressed in Appendix A.

E-3. When should the FDOE dispute resolution process be used?

The state-level dispute resolution process is available for appeals from LEA-level decisions and inter-LEA disputes. Parents, guardians, unaccompanied youth, or LEAs may file appeals. The local homeless liaison is responsible for ensuring that information and the appropriate forms describing the state-level dispute resolution process are available to all parties wanting to file an appeal. The appropriate state-level appeal forms are provided in Appendices C and D and are available at the following website: <http://www.fldoe.org/bsa/title1/titlex.asp>.

E-4. What must LEAs and schools in Florida do if an enrollment dispute arises?

If a dispute arises over school selection or enrollment in the school of a homeless student, the LEA must ensure the following occurs:

1. The school immediately admits the homeless student (e.g., school of origin or the school of residency) in the school which enrollment is sought, pending resolution of the dispute.

2. The school provides a written explanation of its school selection or enrollment decision to the parent or guardian of the student or unaccompanied youth, including his or her right to appeal the decision, both to the LEA and to the FDOE, if the LEA-level resolution is not satisfactory. Sample school and LEA forms are provided in Appendices E and F.
3. The school refers the child, youth, parent, or guardian to the local homeless liaison.
4. The local homeless liaison carries out the dispute resolution process within ten working days after receiving notice of the dispute.
5. The local homeless liaison, in the case of an unaccompanied youth, ensures the youth is immediately enrolled in school pending resolution of the dispute.

E-5. Does the LEA have to provide transportation to the selected school for the duration of the dispute resolution process?

Yes. The LEA must provide transportation to the selected school for the duration of the dispute resolution process. In the case of an inter-LEA (cross-LEA) dispute, the LEAs must split the costs of this transportation.

E-6. When are enrollment disputes to be resolved?

The local homeless liaison must carry out the dispute resolution process within ten working days after being notified of the dispute.

E-7. What is the local homeless liaison's role in the dispute resolution process?

The local homeless liaison ensures enrollment disputes are mediated in accordance with the McKinney-Vento Act. The liaison works with the appropriate LEA and school representatives to address any policies or procedures that are identified as barriers to homeless students having access to a free and appropriate public education.

If a dispute cannot be resolved by the LEA, and the parent, guardian, or unaccompanied youth wishes to appeal the local-level decision, the local homeless liaison is required to notify the FDOE. The local homeless liaison must log the local-level incidents of dispute and state-level appeals to the FDOE via its Online Dispute Resolution Tracking System at <https://data.fldoe.org/homelessdispute>. The FDOE Homeless Education Coordinator is available to provide technical assistance.

E-8. Does the local homeless liaison have to be the person listening to the dispute procedure?

No. Although it is considered good practice, the liaison does not have to be the person listening to the dispute. However, liaisons are required to carry out the dispute resolution process, making sure that families and youth are aware of their rights to appeal and are able to access the dispute process.

E-9. What if the parent, guardian, or unaccompanied youth is dissatisfied with the LEA’s enrollment decision?

If the parent, guardian, or unaccompanied youth is dissatisfied with the enrollment decision, he/she may appeal the decision to the FDOE, with the assistance of the local homeless liaison (see E-7).

ELIGIBILITY FOR SERVICES

F-1. Is there a time limit on how long a child or youth can be considered homeless?

No. There is no specific time limit on homelessness. Whether a child or youth meets the definition of homelessness depends upon the living situation and the individual circumstances. It is a case specific inquiry.*

F-2. Are children who are awaiting foster care placement eligible for services under the McKinney-Vento Act?

Yes. Children who are awaiting foster care placement are considered homeless and eligible for McKinney-Vento Act services [Section 725(2)(B)(i)]. Local homeless liaisons should coordinate with local public social service agency providers in determining how best to assist homeless children and youth who are awaiting foster care placement.

If the local homeless liaison determines that a child or youth who is in state care or custody has been placed out of his/her home into a temporary, transitional, or emergency living placement, while awaiting foster care placement, then that child would be considered homeless. It is important to look at each situation on a case-by-case basis.

Children who are already in foster care, on the other hand, are not considered homeless.

F-3. Are children displaced from their housing by naturally occurring disasters eligible for services under the McKinney-Vento Act?

When children and their families are displaced as a result of a natural disaster, there is often a period of instability in which various private organizations and local, state, and federal agencies provide assistance. In these circumstances, the FDOE and LEAs should determine such children’s eligibility for McKinney-Vento services on a case-by-case basis, taking into consideration the services that are available through these other sources.

Following a disaster, one of the LEA’s first priorities is to re-open impacted schools as soon as possible and take steps to return to school routines. LEAs should then proceed to examine whether children who have been displaced by the natural disaster are eligible for McKinney-Vento services on a case-by-case basis.

F-4. Are children and youth who live in trailer homes or trailer parks covered by the Act?

Children and youth who live in trailer parks are covered by the Act if they live in the trailer park “due to the lack of alternative adequate accommodations.” Therefore, whether children and youth living in trailer parks are covered by the Act is a case-by-case determination to be made by the local homeless liaison, in light of the family's circumstances. The liaison will need to consider the adequacy of the trailer home, including the number of people living in the trailer, the condition of the trailer, and the availability of running water, electricity, and other standard utilities. If the trailer is inadequate, it should be considered a homeless situation. The relative permanence of the living situation must also be examined; if the family is living in the trailer temporarily, they are likely to be covered by the Act.*

F-5. Are families who move in with relatives or friends covered by the Act?

Children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason are covered by the McKinney-Vento Act. Families who share adequate housing due to cultural preferences or convenience would not be covered by the Act. Also, families who are sharing housing on a permanent basis are unlikely to be covered by the Act.*

F-6. Is transitional housing considered a homeless situation?

Yes. The McKinney-Vento Act specifically applies to children and youth living in transitional shelters. This term includes transitional housing programs and transitional living programs. A federal court affirmed that transitional housing programs are covered by the McKinney-Vento Act. Bullock v. Board of Education of Montgomery County, Civ. A. DKC 2002-0798 (D. Md.), memorandum decision filed November 4, 2002.*

F-7. Do incarcerated youth qualify for McKinney-Vento protection and services?

No. Children and youth who are incarcerated for violation or alleged violation of a law should not be considered homeless. Incarcerated children and youth are part of the juvenile justice system. However, children and youth residing in shelters or other homeless situations after leaving detention centers are covered by the Act.*

F-8. Is the McKinney-Vento Act limited to a specific age group?

The McKinney-Vento Act applies to children and youth age 21 and under, consistent with their eligibility for public education services under state and federal law. Furthermore, under the federal Individuals with Disabilities Education Act, special education students are provided the right to access services until age 22, with the exception of students with disabilities who are incarcerated as adults and students with disabilities who have earned a high school diploma.

Florida Statutes do not specify a maximum age a student may attend school in Florida. That decision is decided at the district level. However, compulsory attendance is through age 16 (Section 1003.21, Florida Statutes).

F-9. What safeguards are in place to prevent families who have permanent housing from claiming to be homeless just to obtain McKinney-Vento services?

One of the liaison's duties is to identify children and youth who meet the statutory definition of homelessness. LEAs must enroll students experiencing homelessness immediately. If, after enrollment, it is determined that a student is not homeless as defined in the law, LEAs should follow the policies they have in place to address other forms of fraud. Written notice should be given to the parent, guardian, or youth, including his or her right to appeal the decision.*

STUDENT RECORDS

G-1. Can the previous school transfer records to the new school without a parent's signature?

Yes. Student records are protected by the Federal Education Rights and Privacy Act (FERPA). Generally, FERPA requires schools to have written permission from a parent before releasing any information from a child's records. However, FERPA allows schools to release records without a parent's permission to schools to which a student is transferring.*

G-2. Can a previous school refuse to send records due to fees owed for textbooks, etc.?

No. If a school refuses to send records, it would be creating a barrier to the enrollment and retention of the child in school, which violates the McKinney-Vento Act.*

G-3. How can a school determine what classes or services to provide a student if there are no school records?

The enrolling school must immediately admit the student and must contact the previous school for records. If the records cannot be transmitted immediately, the enrolling school can speak with staff from the previous school to get basic information about the student. Former teachers, counselors, and administrators should be able to provide this information. The enrolling school can also get information regarding class schedules from parents and youth. The school can also establish procedures for conducting a quick assessment of the student's skills. Even if records are delayed, the student must be enrolled immediately in school and provided the most appropriate services possible. Upon receipt of previous school records, the school can make any necessary adjustments to the student's classes and services.*

PROHIBITION AGAINST SEGREGATION

H-1. May LEAs segregate homeless children and youth in separate schools or in separate programs within a school?

No. Homelessness alone is not sufficient reason to separate students from the mainstream school environment. LEAs must adopt policies and practices to ensure students are not segregated or stigmatized on the basis of their status as homeless.

Florida receives funds under the McKinney-Vento Program. Therefore, every LEA in Florida, whether or not it receives a McKinney-Vento subgrant from the FDOE, is prohibited from segregating homeless students in separate schools or in separate programs within schools, based on the student's status as homeless.

H-2. May the LEA educate homeless students at an off-site facility, such as a shelter?

No. Homeless students must be educated as part of a school's regular academic program. Services must be provided to homeless students through programs and mechanisms that integrate them with their non-homeless counterparts.

However, tutoring, supplemental instruction, and enriched educational services, etc. are allowable.

H-3. May a school separate homeless students from the regular school program if they reside in a domestic violence shelter?

No. However, schools should take all necessary steps to protect children who are victims of domestic violence.

H-4. Are "transitional classrooms" in shelters, where homeless students receive educational services while they are being assessed or while they wait for school records, permissible under the McKinney-Vento Act?

No. LEAs are required to adopt policies that will eliminate barriers to regular school enrollment that may be caused by tracking, obtaining, and transferring records.

H-5. In providing special services to homeless students, how does a school or LEA avoid stigmatizing those students?

As stated above, the LEA or school may not segregate homeless students from the mainstream school environment. Homeless children and youth are entitled to receive all of the services that are provided to their non-homeless counterparts and in the same setting as their non-homeless peers.

In some circumstances, it may be appropriate to provide *additional* services to homeless children and youth in a separate setting. In doing so, the LEA should be careful not to stigmatize these students. If the LEA implements a supplemental program exclusively for homeless children, such as a shelter-based evening tutoring program, it should not be called "the homeless tutoring program" or the "shelter tutoring program." Instead, the LEA should use a name that does not indicate homelessness, such as "Discovery Club" or "Homework Club," to avoid stigmatization.

TRANSPORTATION

I-1. What responsibilities do FDOE and LEAs have regarding providing transportation services to homeless children and youth?

The FDOE and LEAs are responsible for reviewing and revising policies, including transportation that may act as barriers to the enrollment and retention of homeless children and youth in schools in Florida. Under the McKinney-Vento Act, homeless children and youth are entitled to receive transportation and other services that are available to non-homeless students.

The FDOE and LEAs must adopt policies and practices to ensure transportation is provided, at the request of the parent or guardian (or, in the case of an unaccompanied youth, the liaison), to or from the school of origin in accordance with the following requirements:

- If the homeless child or youth continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange for the child's or youth's transportation to and/or from the school of origin.
- If the homeless child or youth continues his or her education in the school of origin, but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living must 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 LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

I-2. How do LEAs ensure the education of homeless students is not disrupted during transfers (across LEAs)?

LEAs should have in place inter-LEA (and inter-state, where appropriate) agreements that address potential transportation issues that may arise as homeless students transfer from one LEA to another.

I-3. May funds under Title I, Part A or Title V, Part A of the federal NCLB Act be used to transport homeless students to and from the school of origin?

No. LEAs may not use funds under Title I, Part A or Title V, Part A to transport homeless students to or from their school of origin. Transportation services to the school of origin are mandated under the McKinney-Vento Act. The "no-supplanting" provisions in Title I and Title V prohibit those funds from being used to support activities that the LEA would otherwise be required to provide.

I-4. Who should be involved in developing and implementing transportation policies for homeless students?

LEAs can best address the transportation needs of homeless and other highly mobile students through a team approach. However, based on the best interest of the student, and in consultation with the parent or guardian, the LEA ultimately determines the mode of transportation. The LEA's transportation director should work with the LEA's leadership team, local homeless liaison,

neighboring LEAs, and homeless service providers to develop effective transportation policies and procedures.

I-5. Is the LEA required to transport homeless students to and from their school of origin, if needed, while enrollment disputes are being resolved?

Yes. The McKinney-Vento Act's transportation requirements apply while disputes are being resolved. Therefore, at the request of the parent or guardian (or in the case of an unaccompanied youth, the request of the liaison), the LEA must provide or arrange for transportation to and from the school of origin. Inter-LEA transportation disputes should be resolved at the FDOE [Section 722(g)(1)(C)], through the dispute resolution process.

I-6. Do LEA transportation responsibilities apply to all LEAs in Florida or only to those LEAs that receive a McKinney-Vento subgrant?

This requirement applies to all LEAs in Florida.

I-7. Does the McKinney-Vento Act require the LEA to provide transportation services to homeless children attending preschool?

To the extent the LEA offers a public preschool education, McKinney-Vento requires that homeless children have equal access to that preschool education as provided to non-homeless children. Furthermore, the Act requires that the services provided to homeless children be comparable to those provided to non-homeless children. Thus, if the LEA provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

LEAs are reminded, however, that the Florida Education Finance Program (FEFP) funds for transportation of preschool age students may only be claimed when the students have disabilities under the federal Individuals with Disabilities Education Act (IDEA) or are being transported pursuant to a Teenage Parent (TAP) program. While LEAs may provide services to other categories of preschoolers, such as homeless preschoolers, they may not be claimed for state funding unless they are served in an IDEA or TAP program.

I-8. How far is too far to travel to the school of origin?

The McKinney-Vento Act does not specify any mileage or time limit for travel to the school of origin. The Act requires LEAs to provide transportation to the school of origin at the request of a parent or guardian or, for unaccompanied youth, at the liaison's request. Therefore, transportation is required regardless of distance. However, extreme distances can be considered in the LEA's feasibility determination.*

I-9. Can the LEA pay parents to transport their children as an alternative to providing transportation?

Yes. LEAs may reimburse parents or youth who have cars and are able to provide transportation, as a cost effective means to meet the LEA’s obligation.*

I-10. Does providing or arranging for transportation mean door-to-door transportation, similar to transportation for students with disabilities whose Individual Education Plan (IEP) documents a need for transportation as a related service?

Generally, no. The McKinney-Vento Act does not require door-to-door transportation, unless that is the only appropriate arrangement for a particular student. However, the mode and details of transportation cannot present a barrier to the child’s attendance in school.*

Provisions for transportation of elementary school students, who would otherwise be subjected to hazardous walking conditions, would apply equally to homeless students, if they live less than two miles from the school of origin and are subject to such hazards (Section 1006.23, Florida Statutes).

I-11. If the LEA does not offer transportation to summer school for any students, does it have to provide summer school transportation for students in homeless situations?

Generally, no. The McKinney-Vento Act requires schools to provide comparable transportation services for students in homeless situations. If the school does not provide transportation to summer school for housed students, then it is generally not required to provide transportation to homeless students. However, if attendance in summer school is required for the student to advance to the next grade, and lack of transportation will prevent the child from participating, this would present a barrier to the student’s academic success. In this case, the LEA must remove that barrier, so the student can avoid being retained in the same grade.*

COMPARABLE AND COORDINATED SERVICES

J-1. What services must LEAs provide?

LEAs in Florida must provide services to homeless students that are comparable to services offered to other students in the LEA. These services include the following:

1. Public preschool programs; and
2. Educational programs or services for which homeless students meet the eligibility criteria, such as:
 - Students with disabilities programs,
 - Limited English proficiency programs,
 - Career and technical education programs,
 - Programs for gifted students,
 - Before and after school programs,
 - Free meals during school under the National School Lunch and Breakfast programs, and
 - Transportation services.

J-2. Must LEAs coordinate services for homeless children and youth?

Yes. LEAs are responsible for coordinating with local social service agencies and other service providers and programs [Section 722(g)(4)], including programs under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), and with other LEAs on issues such as transportation and the transfer of records. Additionally, they must coordinate with housing assistance providers [Section 722(g)(5)]. This coordination is to ensure eligible students have access to available education and related support services. It is also important to coordinate efforts in order to raise the awareness of school personnel and service providers of the effects of homelessness and the challenges that homeless students face.

COORDINATION WITH TITLE I, PART A

K-1. Are homeless children and youth eligible to receive Title I, Part A services?

Yes. Homeless children and youth are automatically eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area, attend a Title I school, or meet the academic standards required of other children for eligibility. Homeless children and youth may receive Title I educational or support services from schoolwide and targeted assistance school programs.

Florida has, as required, described the coordination of Title I, Part A and the McKinney-Vento Act in its state plan [Section 1111(a)(1)]. Additionally, LEAs receiving Title I, Part A funds must include a description of how the plan is coordinated with the McKinney-Vento Act in their local plans. Local plans must describe services provided to homeless children.

K-2. If a homeless child becomes permanently housed during a school year, is that child eligible to receive Title I, Part A services for the remainder of that school year?

Yes. A homeless child or youth that becomes permanently housed during a school year continues to remain eligible for Title I, Part A services for the remainder of that school year. This helps ensure educational stability for formerly homeless children.

K-3. Are homeless children and youth who attend non-Title I schools eligible to receive Title I, Part A services?

Yes. The LEA must provide comparable services to a homeless student who does not attend a Title I school. The LEA must reserve funds for homeless children who do not attend participating Title I schools and may, for instance, provide support services to children in shelters and other locations where homeless children live. Services should be provided to assist homeless students in effectively taking advantage of educational opportunities.

This provision applies to homeless students who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live; children in local institutions for neglected children; and if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day school programs [Section 1113(c)(3)].

SEA and LEA Title I plans must be coordinated with the plans agencies develop under the McKinney-Vento Act. LEAs can develop formulas for reserving the appropriate amount of Title I funding for homeless students, as required in Section 1113(c)(3). However, because of the Title I supplanting prohibition, Title I funds may not be used to support the costs of transporting homeless students to or from their school of origin.

K-4. Is there a formula for calculating Title I, Part A set-asides?

No. There is no mandated formula for determining Title I, Part A set-asides. However, the set-aside must be sufficient to provide “comparable services” to students attending non-participating schools. Therefore, the set-aside must be based on the number and needs of children and youth experiencing homelessness in the LEA.

Some possible methods to calculate the set-aside include:

1. Identify and assess the needs of students in homeless situations in the LEA, and set aside funds accordingly;
2. Obtain the count of students identified as experiencing homelessness and multiply by the Title I, Part A per-pupil allocation;
3. For LEAs with a McKinney-Vento subgrant, reserve an amount greater than or equal to the LEA’s McKinney-Vento funds; or
4. Reserve a specific percentage based on the LEA’s poverty level or total Title I, Part A allocation.

Note: Calculation methods excerpted from: “Four Methods for Determining New Mandatory Title I, Part A Set-Aside for Homeless Children.” *No Child Left Behind Financial Compliance Insider* (Nov. 2003).

K-5. What types of services may the LEA provide to homeless students with funds reserved under Section 1113(c)(3) of Title I?

The LEA may use funds reserved under this section to provide services to eligible homeless students in non-Title I schools that are comparable to services provided to students in Title I schools. Services provided should assist such children in meeting the Sunshine State Standards.

The LEA also has the discretion to use reserved funds to provide a homeless student with services that are not ordinarily provided to other Title I students and that are not available from other sources. For example, where appropriate, the LEA at its discretion may provide a student with an item of clothing to meet a school’s dress or uniform requirement so that student may effectively take advantage of educational opportunities.

K-6. Can Title I, Part A set-asides be used to fund liaisons and other LEA-level activities?

Yes. LEAs can use Title I, Part A set-asides to serve children and youth experiencing homelessness in both Title I and non-Title I schools. For example, Title I, Part A set-asides may be used to support the liaison position, to allow the liaison to dedicate more time to McKinney-Vento Act activities, or to hire additional staff for the McKinney-Vento Program. However, Title I, Part A

funds may not be used to support 100% of the liaison's position. The set-aside can also fund district-wide activities conducted by the liaison (such as identification and professional development), extended day and summer activities, school supplies, and other services.*

REPORTING REQUIREMENTS

L-1. What data on homeless children and youth must all LEAs in Florida submit to the FDOE through its automated student database system?

The FDOE is responsible for providing data on all homeless children, youth, and unaccompanied youth in the Consolidated State Performance Report. LEAs in Florida must submit the following data to the FDOE, through its automated student database, regardless of whether they receive Title X, Part C funds:

1. Number of homeless children and youth;
2. Number of homeless children and youth enrolled in public school (excluding pre-school) during the previous school year;
3. Of the number of homeless children and youth (excluding preschoolers) reported, the total numbers who had the following as their primary nighttime residence (which is the basis for identifying homeless children and youth) at the time of initial identification:
 - a. Shelters,
 - b. Doubled-up,
 - c. Unsheltered (e.g., cars, parks, campgrounds, etc.),
 - d. Hotels/Motels,
 - e. Unknown; and
4. Of the number of homeless children and youth (excluding preschoolers) reported, the total number who are unaccompanied youth.

L-2. Are Title X subgrantees required to report additional data?

Yes. In addition to the data required to be collected in L-1., LEAs receiving Title X, Part C funds must submit the following data to the FDOE:

1. Total number of homeless children and youth that were served in each grade, K-12, during the school year.
2. Number of homeless preschool age children attending public preschool programs (e.g., from birth through PreK) during the school year.
3. Number of unaccompanied youth served by subgrants during the school year.
4. Number of homeless migrant children/youth served by subgrants during the school year.

5. Number of homeless children and youth enrolled in school during the school year that received the following educational and school support services from the LEA:
 - a. Specially designed instruction and related services,
 - b. English Language Learners (ELL),
 - c. Gifted, and
 - d. Vocational Education, etc.

6. Whether the following educational support services were provided with McKinney-Vento funds:
 - a. Tutoring or other instructional support,
 - b. Expedited evaluations,
 - c. Staff professional development and awareness,
 - d. Referrals for medical, dental, and other health services,
 - e. Transportation,
 - f. Early childhood programs,
 - g. Assistance with participation in school programs,
 - h. Before school, after school, mentoring, summer programs,
 - i. Obtaining or transferring records necessary for enrollment,
 - j. Parent education related to rights and resources for children,
 - k. Coordination between schools and agencies,
 - l. Counseling addressing needs related to domestic violence,
 - m. Clothing to meet a school requirement,
 - n. School supplies,
 - o. Referral to other programs and services,
 - p. Emergency assistance related to school attendance, and
 - q. Other (optional).

7. Existence of the following barriers to the enrollment and success of homeless children and youth during the school year:
 - b. Eligibility for homeless services,
 - c. School selection,
 - d. Transportation,
 - e. School records,
 - f. Immunizations or other medical records, and
 - g. Other enrollment issues.

8. Number of homeless children and youth that were included in statewide assessments in reading or mathematics.

9. Number of homeless children and youth that met or exceeded Florida's proficiency level or standard on the reading or mathematics assessment.

COMPETITIVE SUBGRANTS TO LEAS

M-1. On what basis does the FDOE award McKinney-Vento subgrants to LEAs?

The FDOE awards McKinney-Vento subgrants to LEAs competitively on the basis of the needs of the LEAs requesting assistance and the quality of their applications.

M-2. For how long may the LEA receive a subgrant?

The LEA may receive McKinney-Vento subgrant funds for up to three years. The LEA may re-apply for additional McKinney-Vento funds after the initial three-year period expires.

M-3. When will the FDOE release the next McKinney-Vento subgrant Request for Proposal?

The FDOE will release the next McKinney-Vento subgrant Request for Proposal in the spring of 2009, for Fiscal Year 2009-2010.

M-4. For what activities may the LEA use McKinney-Vento subgrant funds?

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

1. Tutoring, supplemental instruction, and other educational services that help homeless children and youth reach the same challenging state content and state student performance standards to which all children are held. All academic enrichment programs for disadvantaged students, including programs for homeless students, must be aligned with state standards and curricula. Additionally, when offering supplemental instruction, LEAs should focus on providing services for children and youth that reflect scientifically based research as the foundation for programs and strategies to ensure academic success.
2. Expedited evaluations of eligible students to measure their strengths and needs. These evaluations should be done promptly in order to avoid a gap in the provision of necessary services to those children and youth. Evaluations may also be used to determine a homeless child or youth's eligibility for other programs and services, including educational programs for gifted and talented students, special education and related services for children with disabilities, English language acquisition, vocational education, free meals under the National School Lunch and Breakfast programs, and appropriate programs or services under NCLB.
3. Programs and other activities designed to raise awareness among educators and student services personnel of the rights of homeless children and youth under the McKinney-Vento Act, and the special needs such children and youth have as a result of their homelessness.
4. Referrals of eligible students to medical, dental, mental, and other health services.

5. Payment of the *excess* cost of transportation not otherwise provided through federal, state, or local funds, to enable students to attend schools selected under section 722(g)(3) of the McKinney-Vento Act.
6. Developmentally appropriate early childhood education programs for homeless children of preschool age that are not provided through other federal, state, or local funds.
7. Services and assistance to attract, engage, and retain homeless children and youth, and unaccompanied youth, in public school programs and services provided to non-homeless children and youth.
8. Before and after school programs, mentoring, and summer programs for homeless children and youth. Qualified personnel may provide homework assistance, tutoring, and supervision of other educational instruction in carrying out these activities.
9. Payment of fees and costs associated with tracking, obtaining, and transferring records necessary for the enrollment of students in school. The records may include birth certificates, guardianship records, immunization records, academic records, and evaluations of students needed to determine eligibility for other programs and services.
10. Education and training programs for parents of homeless children and youth regarding the rights their children have as homeless individuals and regarding the educational and other resources available to their children.
11. Programs coordinating services provided by schools and other agencies to eligible students in order to expand and enhance such services. Coordination with programs funded under the Runaway and Homeless Youth Act should be included in this effort.
12. Student services programs providing violence prevention counseling and referrals to such counseling.
13. Programs addressing the particular needs of eligible students that may arise from domestic violence.
14. Provision of supplies to non-school facilities serving eligible students and adapting these facilities to enable them to provide services.
15. Provision of school supplies to eligible students at shelters, temporary housing facilities, and other locations as appropriate.
16. Provision of extraordinary or emergency services to eligible students as necessary to enroll and retain such children and youth in school.

M-5. Where should the LEA provide services for homeless children and youth?

To the maximum extent practicable, LEA should provide McKinney-Vento services through programs that integrate homeless and non-homeless children and youth. The services must be designed to expand or improve services provided as part of a school's regular academic program, but may not replace services provided under the regular program.

LEAs may provide subgrant services through programs on school grounds or at other facilities. If services are provided on school grounds, the school may use McKinney-Vento funds to provide the same services to other children and youth who are determined by the LEA to be at risk of failing in, or dropping out of, school (*Education for Homeless Children and Youth Program, Title VII-B of the McKinney-Vento Homeless Assistance Act, as Amended by the No Child Left Behind Act of 2001, Non-Regulatory Guidance, United States Department of Education, Washington, D.C., July 2004, page 26*).

As discussed earlier, LEAs and schools may not provide services in settings within a school that segregate homeless children and youth from other children and youth, except as necessary for short periods of time for health and safety emergencies, or to provide temporary, special, and additional services to meet the unique needs of homeless children and youth.

M-6. May the LEA or school provide an after school program that exclusively serves homeless children with McKinney-Vento funds?

Yes. Homeless children are entitled to participate in the regular after school program provided by the school, and schools must address all barriers to their full participation in these programs. If no after school programs are provided by the school or the programs provided do not meet the needs of homeless children, McKinney-Vento funds may be used for after school services for homeless children, and for non-homeless children who are at risk of failing in, or dropping out of, school.

Services provided with McKinney-Vento Act funds must not replace the regular academic program and must be designed to expand upon or improve services provided as part of the school's regular academic program.

** The 100 Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations. (2004). National Association for the Education of Homeless Children and Youth and the National Law Center on Homelessness & Poverty.*

APPENDICES

Appendix A
Florida Department of Education Dispute Resolution Process

Step	Process
Step 1 - School Enrollment	<ol style="list-style-type: none"> 1. A parent or a guardian of a homeless student has the right to enroll his or her child or youth in either the school of origin, which may be the last school attended by the student when permanently housed (to the extent feasible, and if in the best interest of the homeless student) or the school which serves the location where the student currently resides. 2. The LEA or school must provide to the parent, guardian, or unaccompanied youth, written information regarding school selection or enrollment options available to homeless students under the McKinney-Vento Act [Section 722(g)(3)(C)]. 3. If a school selection or enrollment dispute develops over the selection or enrollment options available under the McKinney-Vento Act, the LEA or school must immediately enroll the homeless child or youth to the school in which enrollment is sought by the parent or guardian, pending resolution of the dispute. 4. In the case of an unaccompanied youth, the local homeless liaison ensures the youth is immediately enrolled in school pending resolution of the dispute.
Step 2 - Enrollment Dispute	<ol style="list-style-type: none"> 5. If a school selection or enrollment resolution is not reached at the school level, the LEA or school must notify the local homeless liaison of the dispute, and refer the parent, guardian, or unaccompanied youth to the local homeless liaison. 6. The local homeless liaison carries out the dispute resolution process within ten working days of receiving the dispute notice from the LEA or school. 7. On or by the tenth working day, the LEA or school shall provide a written explanation of the school selection decision to the homeless child's or youth's parent or guardian. [Section 722(g)(3)(B)(ii)]. This decision should include a statement regarding the right to appeal the LEA-level decision to the Florida Department of Education (FDOE). 8. The local homeless liaison shall report each LEA-level incident of a school selection/enrollment dispute in the FDOE's Dispute Resolution Tracking System which is located at: https://data.fldoe.org/homelessdispute (see Appendix B for system instructions).
Step 3 – State-level Appeal Process	<ol style="list-style-type: none"> 9. The local homeless liaison must provide the <i>FDOE School Dispute Resolution Appeal Process</i> form to the parent, guardian, or unaccompanied youth. This form is available at http://www.fldoe.org/bsa/title1/titlex.asp and in Appendix C. 10. The parent, guardian, or unaccompanied youth may file an appeal, within ten working days after receiving the written notification of the LEA-level school selection or enrollment decision with the local homeless liaison, who must provide it to the FDOE. 11. The local homeless liaison is required to notify the FDOE of the state-level appeal by providing the appeal. The liaison also must log incidents of state-level appeals in the FDOE Online Dispute Resolution Tracking System at https://data.fldoe.org/homelessdispute. 12. Upon receipt of a notice of appeal, the State Homeless Education Coordinator must, within ten working days, convene a FDOE panel, comprised of the Coordinator, the Director of the Title I Programs, and the Chief of the Bureau of Student Assistance. 13. This panel shall review the entire record of the dispute, including any written statements submitted, and make a determination based on the child's or youth's best interest. 14. Within ten working days of the date the panel convenes, the panel shall provide its recommendation to the Commissioner of Education. 15. Within ten working days of receipt of the recommendation, the Commissioner shall make the final determination. For educational purposes, the decision of the Commissioner in such cases is final. 16. The FDOE will provide a written decision regarding the appeal to all parties involved, including the LEA homeless liaison.

Appendix B

Florida Department of Education Education of Homeless Children and Youth Dispute Resolution Tracking System

The local homeless liaison will report each incident of a local-level “Original” dispute and a state-level “Appeal” of the local-level dispute, if applicable, through the Florida Department of Education (FDOE) Online Dispute Resolution Tracking System. To access the system, the liaison should follow the instructions below:

1. Access the system at: <https://data.fldoe.org/homelessdispute>.
2. The initial login requires the user to enter a “Username” (Local Educational Agency (LEA) name), and “Password” (two-digit LEA number). For example, Username: Alachua, Password: 01.
3. The next screen requires the user to change his/her password (the old password is the two-digit LEA number).
4. Once the user enters a new password, a screen will appear, informing the user that the password has been changed successfully. A link is provided for the user to continue to the “Main Menu,” which prompts a link to submit a new record.
5. Below is a picture of the screen that allows the liaison to submit a record of the district-level dispute, including the reason and outcome, in the “Reason” text box.
6. All district-level disputes will be tracked in the system, whether they are appealed or not. The “Type of Report” in these disputes will be “Original.”
7. If a district-level dispute is appealed to the state, the “Type of Report” will be “Appeal.”

The FDOE Homeless Education Coordinator will have access to the system to provide comments per original dispute or appeal. LEAs will not be able to edit their original dispute or appeal after the FDOE Homeless Education Coordinator has made an entry for that particular incident. Should you experience difficulty accessing the system, please contact the Bureau of Student Assistance at 850-245-0415.

Florida Department of Education - Education of Homeless Children and Youth Dispute Resolution T - Microsoft Internet Explorer

Address: <https://data.fldoe.org/homelessdispute/default.cfm?action=addEditRecord>

Education of Homeless Children and Youth Dispute Resolution Tracking System

Main Menu You are logged in as **Alachua**. Log Out

Information regarding student's address, phone number, and information protected by the Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA)

Complete the following form. All fields are required.

Student First Name:	<input type="text"/>
Student Last Name:	<input type="text"/>
Student ID:	<input type="text"/>
Grade Level:	-- select --
School:	--- select a school ---
Date of Notification of Dispute (mm/dd/yyyy):	<input type="text"/>
Type of Report:	<input type="radio"/> Original <input type="radio"/> Appeal
Reason for Dispute (limited to 4000 character or about 660 words):	<input type="text"/>

Appendix C
Florida Department of Education
School Dispute Resolution Appeal Process Form
(Student vs. School District)

School District Name: _____

Student's Name/I.D. #: _____

Student's Grade: K 1st 2nd 3rd 4th 5th 6th
 7th 8th 9th 10th 11th 12th

Requested School Name: _____

Requested School Address: _____

Requested School Phone: _____

Is the requested school the same as the school of origin? Yes No

If "No," what is the name of the school of origin: _____

Local Homeless Liaison: _____

Liaison's Phone: _____

The following should be filled out by the parent, guardian, unaccompanied youth, or other designee:

Did you receive a school placement decision in writing from the local homeless liaison, school, or school district that included information on your right to appeal this decision? Yes No

If "Yes," when did you receive it? Date: _____

Why are you appealing the school district's decision? (Please attach additional pages as needed.)

Which rights do you feel the school or school district have not honored? (Please attach additional pages as needed.) _____

Form completed by: _____

Relationship: Parent Guardian Unaccompanied Youth Other: _____

Current Phone: _____

Current Address: _____

Signature of Person Completing Form

Date

Note: Please return this form and a copy of the written school placement decision to the Florida Department of Education no later than ten days after you receive the school district's written decision.

Please have the homeless liaison fax this form with the accompanying document(s) to:

Florida Homeless Education Coordinator
Florida Department of Education
850-245-0697

Appendix D
Florida Department of Education
School Dispute Resolution Appeal Process Form
(School District vs. School District)

Date: _____

School District 1: Name of school district/state filing dispute: _____

Name of person completing form: _____

Person's Title: _____

Current Phone: _____

Current Address: _____

Local Homeless Liaison for School District 1: _____

Current Phone: _____

School District 2: Name of school district /state that dispute is being filed against: _____

Contact Name: _____

Current Phone: _____

Current Address: _____

Student's Name/I.D. #: _____

Student's Grade: K 1st 2nd 3rd 4th 5th 6th

7th 8th 9th 10th 11th 12th

Requested School Name: _____

Requested School Address: _____

1. Please explain the nature of the dispute with the other school district. (Please attach additional pages as needed.)

2. What do you believe is in the "best interest" of the child/youth? Why? (Please attach additional pages as needed.)

3. Please document what has been done to date to settle this dispute. (Please attach additional pages as needed.)

Signature of Person Completing Form

Date

Please have the homeless liaison fax this form with the accompanying document(s) to:

Florida Homeless Education Coordinator
Florida Department of Education
850-245-0697

Appendix E
SAMPLE
School District Name
School Dispute Resolution Process

Requested School Name: _____

Requested School Address: _____

Requested School Phone/Fax: _____

Is this the school of origin? (School of origin is defined as the school that the child attended when permanently housed or the school in which the child was last enrolled.) Yes No

If "No," provide the name and address of the last school the child attended: _____

Student's Name/I.D. #: _____

Student's Grade: K 1st 2nd 3rd 4th 5th 6th
 7th 8th 9th 10th 11th 12th

Student's Current Address: _____

Student's Current Phone: _____

Parent/Guardian/Disputing Party's Name: _____

Relationship: Parent Guardian Unaccompanied Youth Other: _____

Current Address: _____

Current Phone: _____

Does the student live in a shelter? Yes No

Reason for dispute: _____

Principal's Actions on the Dispute

The local homeless liaison was notified of the dispute on this date: _____

Principal took action within how many school day(s) after receiving notice of dispute: _____

Describe action taken by the principal to resolve the dispute: _____

Was the dispute resolved? Yes No

Provide explanation below (provide additional pages, if needed): _____

If the dispute was not resolved, did the school or liaison provide the parent, guardian, or unaccompanied youth with a written school placement decision that included information on his/her right to appeal this decision to the school district? Yes No

Signature of Principal or Local Homeless Liaison

Date

Appendix F
SAMPLE
School District Name
School District Dispute Resolution Process

Requested School Name: _____

Requested School Address: _____

Student's Name/I.D. #: _____

Student's Grade: K 1st 2nd 3rd 4th 5th 6th
 7th 8th 9th 10th 11th 12th

School District's Actions on the Dispute

The local homeless liaison was notified of the dispute on this date: _____

The school district took action within how many school days after receiving notice of dispute: _____

Was the dispute resolved to the satisfaction of the parent, guardian, or unaccompanied youth? Yes No

Did the local homeless liaison carry out the dispute resolution process? Yes No

If the dispute was resolved, describe the actions taken by the local homeless liaison to resolve the dispute to the satisfaction of the parent/guardian or unaccompanied youth: _____

If the dispute was not resolved to the satisfaction of the parent/guardian or unaccompanied youth, provide the date that the school district representative convened a meeting of the involved parties and briefly describe the outcome of the meeting.

Date meeting convened: _____

Outcome: _____

Please attach to this form the written decision that was given to the homeless child's or youth's parent/guardian or unaccompanied youth. Did the decision include a statement regarding the right to appeal its decision to the Florida Department of Education (FDOE)? Yes No

On what date did the liaison log in the dispute incident in the FDOE Online Dispute Resolution Tracking System at <https://data.fldoe.org/homelessdispute?> _____

On what date did the local homeless liaison provide the FDOE *School Dispute Resolution Appeal Process* form to the parent, guardian, or the unaccompanied youth? _____

On what date, if applicable, did the local homeless liaison notify the FDOE that the parent/guardian or unaccompanied youth filed a state-level appeal? _____

If there is an appeal to the FDOE, on what date did the liaison log in the dispute appeal in the FDOE Online Dispute Resolution Tracking System at <https://data.fldoe.org/homelessdispute?> _____

Signature of Local Homeless Liaison or School District's Designee

Date

Appendix G Additional Resources

Florida Department of Education

Homeless Education Program Web Page
<http://www.fldoe.org/bsa/title1/titlex.asp>

Laws/Guidance: State and Federal

State of Florida Statutes Pertaining to Education of Homeless Children and Youth
<http://www.fldoe.org/bsa/title1/titlexlaw.asp>

Federal Law Pertaining to the Education of Homeless Children and Youth
<http://www.ed.gov/programs/homeless/legislation.html>

McKinney-Vento Act Non-Regulatory Guidance (July 2004)
<http://www.ed.gov/programs/guidance.pdf>

U.S. Department of Education Enrollment Guidelines (Federal Register: March 8, 2002)
(Volume 67, Number 46)
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-5737-filed

U.S. Department of Education 2006 Report to Congress
<http://www.ed.gov/programs/homeless/rpt2006.doc>

Child Nutrition and Women, Infants, and Children Reauthorization Act
http://www.serve.org/nche/legis_resources.php#nutrition

Runaway and Homeless Youth Act (April 2004)
<http://www.acf.hhs.gov/programs/fysb/content/aboutfysb/RHYComp.pdf>

Family Educational Rights and Privacy Act (FERPA)
http://www.serve.org/nche/legis_resources.php#ferpa

Head Start Act
http://www.serve.org/nche/downloads/hhs_preschool_memo.pdf

Individuals with Disabilities Education Act (IDEA)
http://www.serve.org/nche/legis_resources.php#idea

Child Find (IDEA)
<http://www.childfindidea.org>

National Resources

National Center for Homeless Education

<http://www.serve.org/nche>

National Association for the Education of Homeless Children and Youth

<http://www.naehcy.org>

National Law Center on Homelessness and Poverty

<http://www.nlchp.org>

State Data Resources

Florida Department of Education, DOE Information Data Base Requirements

Volume I: Automated Student Information System, Automated Student Data Elements

Element Name: Homeless Student, PK-12

http://www.fldoe.org/eias/dataweb/database_0708/st172_1.pdf

Element Name: Homeless Unaccompanied Youth

http://www.fldoe.org/eias/dataweb/database_0708/st173_1.pdf

Coalitions: State

Florida Coalition for the Homeless

<http://www.fchonline.org/>

Florida Housing Coalition, Inc.

<http://www.flhousing.org/>

Other Resources for Florida

National Coalition for the Homeless: State Resources for Florida

<http://www.nationalhomeless.org/resources/local/florida.html>

U.S. Department of Housing and Urban Development: Resources for the Homeless in Florida

<http://www.hud.gov/local/index.cfm?state=fl&topic=homeless>

Publications

McKinney-Vento Data Standards and Indicators - 2006 Revisions

http://www.serve.org/nche/downloads/st_and_ind_2006_rev.doc

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

<http://www.naehcy.org/dl/faq.pdf>

References

Education for Homeless Children and Youth Program, Title VII-B of the McKinney-Vento Homeless Assistance Act, as Amended by the No Child Left Behind Act of 2001, Non-regulatory Guidance (July 2004). Washington, DC: United States Department of Education.

The 100 Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations. (2004). National Association for the Education of Homeless Children and Youth and the National Law Center on Homelessness & Poverty.