

## Appendix A

Milan Community School Corporation

Bylaws & Policies

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### **5111.01 - HOMELESS STUDENTS**

#### **Definitions**

Children who are identified as meeting the Federal definition of "homeless" will be provided a free, appropriate public education (FAPE) in the same manner as all other students of the School Corporation. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. The Corporation shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness. The Corporation shall regularly review and revise its policies, including school discipline policies that impact homeless students, including those who may be a member of any of the Protected Classes (Policy [2260](#)).

Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

- A. share the housing of other persons due to loss of housing, economic hardship, or similar reason
  
- B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations
  
- C. live in emergency or transitional shelters
  
- D. are abandoned in hospitals
  
- E. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, or

- F. live in a car, park, public space, abandoned building, substandard housing<sup>1</sup>, bus or train station, or similar setting

**1NOTE:** According to non-regulatory guidance from the U.S. Department of Education, standards for adequate housing may vary by locality. Please see *Education for Homeless Children and Youth Programs, Non-Regulatory Guidance*, U.S. Department of Education (ED), for factors to consider when determining whether a child or youth is living in "substandard housing."

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth under the age of 21 and not in the physical custody of a parent or guardian.

Additionally, pursuant to Federal and State law, children or youth who are experiencing homelessness also includes migratory children who are living in circumstances described in A-F above.

**Services to Homeless Children and Youth**

The Corporation will provide services to homeless students that are comparable to other students in the Corporation, including:

- A. transportation services;
  
  
  
  
  
  
  
  
  
  
- B. public preschool programs and other educational programs and services for which the homeless student meets eligibility criteria including:
  - 1. Title I programs;
  
  
  
  
  
  
  
  - 2. programs for students with disabilities;
  
  
  
  
  
  
  
  - 3. programs for English Learners (ELs) (i.e., students with Limited English Proficiency (LEP));
  
  
  
  
  
  
  
  - 4. programs in career and technical education;

5. programs for gifted and talented students;

6. school nutrition programs; and

7. before- and after-school programs.

The Superintendent will appoint a Liaison for Homeless Children who will perform the duties as assigned by the Superintendent. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth, child welfare agencies, and community and school personnel responsible for the provision of education and related services to homeless children and youths. For more information on the role of the Liaison, refer to AG 5111.01.

**School Stability**

Maintaining a stable school environment is crucial to a homeless student's success in school. To ensure stability, the Corporation must make school placement determinations based on the "best interest" of the homeless child or youth based on student-centered factors. The Corporation must:

- A. continue the student's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or
  
- B. enroll the student in any public school that non-homeless students who live in the attendance area in which the child or youth, or the family of the child or youth, is actually living are eligible to attend.

When determining a child or youth's best interest, the Corporation must assume that keeping the homeless student in the school of origin is in that student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or the student if he or she is an unaccompanied youth. The school of origin is the school the student attended or enrolled in when permanently housed, including a public preschool. The school of origin also includes the designated receiving school at the next level for feeder school patterns, when the student completes the final grade level at the school of origin.

When determining the student's best interest, the Corporation also must consider student-centered factors, including the impact of mobility on achievement, education, health, and safety of homeless students and give priority to the request of the student's parent or guardian, or youth (if an unaccompanied youth). The Corporation also considers the school placement of siblings when making this determination.

If the Corporation finds that it is not in the student's best interest to attend the school of origin or the school requested by the parent, guardian or unaccompanied youth, the Corporation must provide the individual with a written explanation and reason for the determination in a manner and form

understandable to the parent, guardian or unaccompanied youth. This written explanation will include appeal rights and be provided in a timely manner.

#### **Immediate Enrollment**

The Corporation has an obligation to remove barriers to the enrollment and retention of homeless students. If a school other than the student's school of origin is chosen on the basis of a best interest determination, the homeless student must be enrolled immediately, even if the student does not have the documentation typically necessary for enrollment, such as immunization and other required health records, proof of residency, proof of guardianship, birth certificate or previous academic records. The homeless student also must be enrolled immediately regardless of whether the student missed application or enrollment deadlines during the period of homelessness or has outstanding fines or fees. The enrolling school must contact the school last attended by the homeless student immediately to obtain relevant academic or other records. If the student needs immunization or other health records, the enrolling school must refer the parent, guardian or unaccompanied youth immediately to the local liaison, who will help obtain the immunizations, screenings or other required health records. Records usually maintained by the school must be kept so that they are available in a timely fashion if the child enters a new school or school corporation. These records include immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs. Procedures for inter-State records transfer between schools should be taken into account in order to facilitate immediate enrollment.

In addition, it shall be the Corporation's responsibility to make sure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs (if available).

#### **Transportation**

The Corporation promptly shall provide homeless students with transportation services that are comparable to those available to non-homeless students. At the request of the parent or guardian, or the liaison in the case of an unaccompanied youth, the Corporation shall provide, or arrange for, transportation to and from the student's school of origin.

- A. If the homeless student continues to live in the Corporation, transportation shall be provided, or the Corporation shall arrange for the student's transportation, to/from his/her school of origin.
  
- B. If the homeless student resides in another school corporation, but the best interest determination is that the student should continue his/her education at the school of origin in the Corporation, the Corporation and the school corporation in which the student now resides shall agree upon a method to equitably apportion responsibility for and costs of transportation to the school of origin.

Until an agreement is reached, the Corporation shall assume responsibility to transport the student from the school corporation of residence to the school of origin in the Corporation. Because Federal law requires that the responsibility and costs to be shared equally, the school corporation of residence shall be invoiced for its share of the costs of transportation.

- C. If the homeless student resides in the Corporation, but the best interest determination is that the student should continue his/her education at the school of origin in another corporation, the Corporation and the school corporation in which the student's school of origin is located shall agree upon a method to equitably apportion responsibility for and costs of transportation to the school of origin.

Until an agreement is reached, the Corporation shall assume responsibility to transport the student to the school of origin in the other school corporation. Because Federal law requires the responsibility for and costs of transportation services to be shared equally, the school corporation in which the school of origin is located shall be invoiced for its share of the costs of transportation.

- D. When the student obtains permanent housing, transportation shall be provided to and from the school of origin until the end of the school year.

The mode of transportation shall be determined in consultation with the parent or guardian and shall be based on the best interest of the student.

In accordance with Federal law, the above transportation requirements apply during the resolution of any dispute. The Corporation will work with the State to resolve transportation disputes with other school corporations. Until the corporations reach agreement, the responsibility for and costs of transportation shall be shared equally.

If the disputing school corporation is in another State, the Corporation will turn to the State for assistance as Federal guidance says that both States should try to arrange an agreement for the school corporations.

#### **Dispute Resolution**

Homeless families and youths have the right to challenge placement and enrollment decisions. If a dispute arises between a school and a parent, guardian or unaccompanied youth regarding eligibility, school selection, or enrollment of a homeless student, the Corporation must follow its dispute resolution procedures, consistent with the State's procedures. If such a dispute occurs, the Corporation will enroll the homeless student immediately in the school in which enrollment is sought pending final resolution of the dispute, including all appeals. The student will receive all services for which s/he is eligible until all disputes and appeals are resolved.

Pursuant to Federal and State law and this policy, the Corporation will provide the parent, guardian or unaccompanied youth with a written explanation of all decisions regarding school selection and enrollment made by the Corporation, along with a written explanation of appeal rights.

The Corporation's notice and written explanation about the reason for its decision will include, at a minimum, an explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, including the following:

- A. a description of the proposed or refused action by the school,

- B. an explanation of why the action is proposed or refused,
  
- C. a description of other options the school considered and why those options were rejected,
  
- D. a description of any other relevant factors to the school's decision and information related to the eligibility or best interest determination such as the facts, witnesses, and evidence relied upon and their sources, and
  
- E. an appropriate timeline to ensure deadlines are not missed.

The Corporation's notice and written explanation shall include contact information for the Liaison and the State Coordinator, and a brief description of the roles of each. The Corporation's notice and written explanation also shall inform the parent, guardian or unaccompanied youth that the Liaison is responsible for providing information describing the State-level dispute resolution process and distributing the appropriate forms, if any, to all parties wanting to file an appeal.

To initiate the State-level appeals process, the parent, guardian, or unaccompanied youth may submit a written request to appeal the Corporation's decision to the State Board Liaison at the Indiana Department of Education (IDOE).

Any such appeal must be filed within ten (10) days of the parent's receipt of the Corporation's notification of the placement decision.

All decisions and notices shall be drafted in a language and format appropriate for low-literacy, limited vision readers, and individuals with disabilities.

For children and youth and/or parents or guardians who are English Learners or whose dominant language is not English, the Corporation will provide translation and interpretation services in connection with all phases of the dispute resolution process pursuant to federal laws.

The Corporation also will provide electronic notices via email if the parent, guardian or unaccompanied youth has access to email followed by a written notice provided in person or sent by mail.

#### **Homeless Children in Preschool**

Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including preschool programs, such as the Head Start program, administered by the Corporation. Additionally, the homeless child must remain in the public preschool of origin, unless a determination is made that it is not in the child's best interest. When making such a decision on the student's best interest, the Corporation takes into account the same factors as it does for any student, regardless of age. It also considers pre-school age-specific factors, such as: 1) the child's attachment to preschool teachers and staff; 2) the impact of school climate on the child, including school safety; 3) the quality and availability of services to meet the child's needs, including health, developmental, and social-emotional needs; and 4) travel time to and from school.

The Corporation shall provide transportation services as described in the section above. Further, it is the Corporation's responsibility to provide the child with transportation to the school of origin even if the homeless preschooler who is enrolled in a public preschool in the Corporation moves to another school corporation that does not provide widely available or universal preschool.

**Public Notice**

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described above, the Corporation shall post public notice of educational rights of children and youth experiencing homelessness in each school. In addition, the Corporation shall post public notice of the McKinney-Vento rights in places that homeless populations frequent, such as shelters, soup kitchens, and libraries, in a manner and form understandable to the parents, guardians and unaccompanied youths.

**Records**

The local liaison will assist the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.

All records for homeless students shall be maintained, subject to the protections of the Family Educational Rights and Privacy Act (FERPA) and Policy 8330, and in such a manner so that they are available in a timely fashion and can be transferred promptly to the appropriate parties, as required. Pursuant to the McKinney-Vento Act, information regarding a homeless student's living situation is not considered directory information and must be provided the same protections as other non-directory personally identifiable information (PII) contained in student education records under FERPA. The Corporation shall incorporate practices to protect student privacy as described in AG 5111.01, AG 8330, and in accordance with the provisions of the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA).

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.