



TO: Senate Committee on Education
FROM: Sandra Cameron, Associate Executive Director, VSBA
DATE: February 22, 2024
RE: Displacement of students following a natural disaster (S.171)

Thank you for the opportunity to speak with the committee about S.171, an act relating to the legal residency of a student following displacement by a natural disaster. The Vermont Superintendents Association has authorized me to speak on their behalf.

Vermont school leaders are committed to student stabilization. Students who experience homelessness due to a natural disaster qualify under McKinney-Vento with those protections and timelines.¹ While we know that the number of homeless students in Vermont more than doubled between 2017 and 2023², there is no data on how many students would access additional protections under the provisions in S.171.

We are aware that the AOE and legislative counsel have provided information about the definitions and federal provisions in the McKinney-Vento Act. We understand the committee is considering a statutory change in order to apply similar protections when students are displaced by a natural disaster and have secured, fixed, regular residence in another district. Under the McKinney-Vento Act, eligibility determinations follow the school year. When students have been determined eligible by the Homeless Liaison, all rights and services are provided to the students until the end of the academic year, even if they secure permanent housing during that school year. As stated in the handout from the National Center for Homeless Education (appendix A), "The Act provides stability and support for students by requiring public schools to enroll eligible children and youth immediately, assess their needs, and provide or refer them to additional services as needed." Further, "...schools alone cannot meet the numerous and diverse needs of all students. Therefore, effective liaisons establish collaborations ... not only with other school district programs but also with community agencies."

The VSBA provides a model policy addressing students who are homeless (appendix B) and policy adoption is required by all school boards. The model policy specifies that each district

(1) Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act (42 U.S.C. § 11431 et seq)

(2) Vermont AOE Data Table: Children Experiencing Homelessness Enrolled in Vermont Public Schools, retrieved 2/16/24 from <https://education.vermont.gov/student-support/federal-programs/consolidated-federal-programs/education-homeless-children-and>

has a designated homeless liaison to carry out the duties outlined in law. This person communicates with the family about making decisions in the best interest of the student, which may be to remain in the school or origin (the school last attended when permanently housed), or it may be to transition to the school where the family is living. The policy also outlines the responsibilities of the administration, to address:

- equal access to the same free, appropriate public education,
- immediate enrollment, and maintenance of educational stability,
- access to educational and related services for which they are eligible, including Title I services, educational programs for children with disabilities, educational programs for English learners, career and technical education, programs for gifted and talented students,
- full participation in school (may include extracurricular activities),
- transportation,
- privacy, and
- dispute(s) of eligibility, school selection, or enrollment decision.

Given the broad application and provisions of the McKinney-Vento Act, there are many questions and concerns about S.171. The following summary of questions come from VSBA members as well as our colleagues from the Vermont Superintendents Association, the Vermont Association of School Business Officers, and the Vermont Council of Special Education Administrators:

1. Why do we need a state statute when we have a federal law that a) covers students displaced by disasters, b) has successfully been in existence since the 1980s, and c) has a lot of associated guidance and required reporting?
2. How would school personnel determine which law applies to each situation? What are possible complications between federal and state laws?
3. McKinney-Vento provides a safety net for one academic year for any student experiencing homelessness. S.171, as introduced, appears open-ended and may be challenging to operationalize. What if the family makes subsequent moves or moves out of state?
4. What are the special considerations for students who need additional support and/or transportation? Are there equity concerns?
5. What are the definitions for "displacement" and "natural disaster?"

While we appreciate the intention of the bill, absent resolution of the issues and questions raised above, we would urge the Senate Education Committee not to move forward with this legislation, unless and until such time as the questions are answered and issues resolved. Students who are homeless, regardless of the cause of homelessness, are protected under the federal McKinney-Vento Act and when determined eligible, are protected for the remainder of the school year. School boards are required to adopt policy ensuring specific provisions, including the coordination of support through a designated homeless liaison.



National Center for Homeless Education
Supporting the Education of Children
and Youth Experiencing Homelessness
<https://nche.ed.gov>



Connecting Schools and Displaced Students Brief Series

What School District Administrators Should Know About the Educational Rights of Children and Youth Displaced by Disasters

This NCHE brief

- reinforces the importance of ensuring that children and youth displaced by a disaster are attending school as quickly as possible after their displacement;
- explains key aspects of the McKinney-Vento Act, particularly as it relates to students affected by disasters; and
- provides strategies for a local educational agency (LEA) to prepare for a disaster that causes widespread homelessness, meet challenges during the disaster, and improve its response for the next occurrence.

Introduction

Disasters, such as floods, fires, and storms, can devastate communities and the lives of people who live in them. After disasters, displaced families long to return to a sense of normalcy, so reconnecting children to school is especially important during this time. By providing the structure of an education setting, schools can help children and youth overcome the trauma of a disaster and regain their academic and social stability. Once children are safely in school, parents have the peace of mind and freedom to focus on other post-disaster details to help their families recover.

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act (42 U.S.C § 11431 *et seq.*; hereafter referred to as the McKinney-Vento Act), ensures educational protections for children and youth in homeless situations, including those who have become homeless due to a disaster. The Act provides stability and support for students by requiring public schools to enroll eligible children and youth immediately, assess their needs, and provide or refer them to additional services, as needed.

The McKinney-Vento Act Covers Students in Many Different Living Situations

Many children and youth who are displaced by disasters, like other students in homeless situations, are forced to live in a variety of unstable, temporary arrangements. The McKinney-Vento Act's definition of homeless (see the text box for the full definition) includes a broad array of living

McKinney-Vento Definition of Homeless 42 U.S.C. § 11434a(2)

The term "homeless children and youth"—

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

B. includes —

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

ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...;

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

iv. migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

situations, such as hotels, motels, campgrounds, cars, parks, and sharing the housing of others. Accommodations set up by relief and community agencies may qualify as well. Students who are displaced by disasters generally will meet the McKinney-Vento definition, yet each student's and family's situation must be reviewed on a case-by-case basis by the LEA's local homeless education liaison (or designee). (See NCHÉ's brief, *Determining Eligibility for Rights and Services under the McKinney-Vento Act* at <https://nche.ed.gov/wp-content/uploads/2018/10/determining-eligibility.pdf>.)

The McKinney-Vento Act Requires Every School District to Appoint a Liaison

The McKinney-Vento Act requires every school district to appoint a staff member as the local homeless education liaison (hereafter referred to as a local liaison or liaison) (42 U.S.C § 11432(g)(1)(J)(ii)). Having a liaison with the passion and skills to serve in this capacity is critical to making certain that children and youth experiencing homelessness have access to necessary services. Expertise in working with students who have lost housing makes liaisons uniquely qualified to help identify, enroll, and address the needs of students displaced by disaster. The activities listed below may be performed directly by the local liaison or accomplished through the liaison's collaboration with school personnel and community agencies.

According to the McKinney-Vento Act (42 U.S.C § 11432 (g)(6)(A)), liaisons must ensure that

- eligible children and youth are identified through school personnel and in collaboration with community agencies;
- eligible children and youth enroll in, and have full and equal opportunity to succeed in school;
- eligible children and youth and their families receive educational services for which they are eligible, including Head Start and pre-school programs administered by the school district, as well as referrals to health, mental health, dental, and other appropriate services;
- public notice of the educational rights of students in homeless situations is disseminated where children and youth and their families receive services;
- enrollment disputes are mediated promptly and in accordance with the McKinney-Vento Act; and
- parents, guardians, and unaccompanied youth experiencing homelessness are informed of and assisted in accessing all pupil transportation services, including to and from the school of origin.

The McKinney-Vento Act Requires School Stability

For children and youth who are displaced by natural disasters, the destabilizing impact of losing a home is exacerbated by changing schools. Each time students are forced to change schools, the disruptive effects intensify, threatening the social, emotional, and academic wellbeing of the students. The McKinney-Vento Act

- requires school districts to presume that keeping students in their school of origin is in their best interest, unless it is against the parent's or guardian's wishes (42 U.S.C § 11432(g)(3)(B)(i)). *School of origin* is defined as the school the child or youth was attending when permanently housed or the school in which the child or youth was last enrolled, including a public preschool (42 U.S.C § 11432(g)(3)(I)).

School placement decisions must be student-centered and individualized, considering factors related to the impact of mobility on student achievement, education, health, and safety, giving priority to the request of the parent or guardian or (in the case of an unaccompanied youth) the youth (42 U.S.C § 11432(g)(3)(B)(ii)). (View NCHÉ's brief, *Guiding the Discussion on School Selection* at https://nche.ed.gov/wp-content/uploads/2018/10/sch_sel_checklist.pdf. The brief includes a checklist to help select the school that is in the student's best interest.)

- permits students to remain in the school of origin for the duration of their homelessness and until the end of any academic year in which they move into permanent housing (42 U.S.C § 11432(g)(3)(A)(i)).
- requires school districts to provide transportation to and from the school of origin at the request of the parent or guardian, or, in the case of an unaccompanied youth, at the request of the local liaison (42 U.S.C § 11432(g)(1)(J)(iii)).
- requires a school to provide a written explanation of its decision and the right to appeal if there is a disagreement between the parent, guardian, or unaccompanied youth and the school related to eligibility, school selection, or enrollment in school. In the event of a dispute, the school must enroll the student immediately in the school requested (either the school of origin or the local school) while the dispute is being resolved (42 U.S.C § 11432(g)(3)(E)).
- requires state educational agencies and school districts to develop, review, and revise policies to remove barriers to the enrollment and retention of children and youth experiencing homelessness (42 U.S.C § 11432(g)(1)(I)).

The McKinney-Vento Act Requires Immediate School Enrollment

Students experiencing homelessness may enroll in any public school in the attendance area where they are staying that nonhomeless students are eligible to attend (42 U.S.C § 11432(g)(3)(A)(ii)). However, families and youth who have lost their housing due to a disaster often cannot provide the documents ordinarily required for school enrollment. Immediately enrolling these students in school provides stability and keeps them from missing school while documents are being located.

The McKinney-Vento Act requires

- schools to enroll eligible students immediately even if they do not have required documents, such as school records, medical records, proof of residency, or legal guardianship (42 U.S.C § 11432(g)(3)(C)(i)). The term *enroll* is defined as attending classes and participating fully in school activities (42 U.S.C § 11434a(1)).
- enrolling schools to immediately contact the school last attended by the child or youth to obtain relevant academic and other records (42 U.S.C § 11432(g)(3)(C)(ii)). Students must be enrolled in school while records are being obtained. Often after disasters, the transfer of records may be delayed or even impossible because records have been damaged or destroyed. In this case, schools should create new student files and seek to make appropriate placements based on information gathered from parents and students. (For more information on enrolling students, see NCHÉ's brief, *Enrolling Children and Youth Experiencing Homelessness in School* at <https://nche.ed.gov/wp-content/uploads/2018/10/enrollment.pdf>.)
- the local liaison to assist immediately in obtaining immunizations or immunization or medical records for those students who do not have them (42 U.S.C § 11432(g)(3)(C)(iii)). Students must be enrolled in school in the interim. Some state public health departments have established databases to assist in the retrieval of immunization information. The state coordinator for homeless education in your state should be able to guide you to the appropriate contact. (Visit <https://nche.ed.gov/data/> for your state coordinator's contact information.)

Initiating Collaborations Before Disaster Strikes

The McKinney-Vento Act enables students made homeless by disasters to return as soon as possible to the normalcy and stability of school, but schools alone cannot meet the numerous and diverse needs of all students. Therefore, effective liaisons establish collaborations before disasters strike, not only with other school district programs but also with community agencies. Initiating such collaborations

requires a liaison to invest time and energy on the front end, but that investment can pay huge dividends for students and families who need services in the aftermath of a disaster. These collaborations strengthen the school district's McKinney-Vento program and ensure that families and students are directed to services that address the variety of needs arising due to disasters.

LEAs and relief agencies are encouraged to work together to develop or expand a school district's emergency operations plan to identify processes and policies to address prevention, protection, mitigation, response, and recovery efforts as they relate to children and youth who are homeless or displaced. By having plans in place to keep students and staff safe, relief agencies and LEAs can play a key role in taking preventative and protective measures to stop an emergency from occurring or reduce the impact of a disaster.

Federal guidance on developing such plans corresponding to before, during, or after an emergency or disaster can be found in the *Guide for Developing High-Quality School Emergency Operations Plans* at https://rems.ed.gov/docs/School_Guide_508C.pdf. Such plans can serve to marshal staff and resources on short notice in a time of emergency or disaster.

For more about implementing good practices to serve students and families affected by disasters including coordinating and collaborating with other agencies, see *Appendix A. Supporting Students and Families Displaced by Disasters: Goals and Strategies for Local Education Agencies (LEAs)*.

NCHÉ Resources

The National Center for Homeless Education (NCHÉ) operates the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program. NCHÉ provides publications and trainings (on site and online via tutorials and webinars) on a variety of homeless education issues, as well as customized technical assistance through its homeless education helpline (800-308-2145 or homeless@serve.org).

- This brief is one of a three-part NCHÉ series called *Connecting Schools and Displaced Students*, which addresses how the McKinney-Vento Act applies to students displaced by disaster and how the Act can assist these students and their families. Two other briefs in the series target serving youth experiencing homelessness on their own and relief agencies:
 - *Meeting the Educational Needs of Students Displaced by Disasters: Youth on Their Own* (https://nche.ed.gov/wp-content/uploads/2022/12/csds_youth.pdf)
 - *What Relief Agencies Should Know About the Educational Rights of Children and Youth Displaced by Disasters* (https://nche.ed.gov/wp-content/uploads/2022/12/csds_relief-agencies.pdf)

- In addition, NCHE developed four handbooks that comprise the *Connecting Schools and Displaced Students* series which can be ordered at <https://nchehelpline.org/>.

The handbooks explain how the McKinney-Vento Act applies to students displaced by disaster and how the Act can assist these students and their families. Each handbook targets parents, relief agencies, or educators and includes:

- *After the Storm: Information for Parents on How Schools Can Help After Disasters (A Handbook for Parents)*
- *Disaster Relief Agencies and Schools: Working Together to Ensure School Enrollment and Success*
- *From the School Office to the Classroom: Strategies for Enrolling and Supporting Students Experiencing Homelessness*
- *School as a Safety Net: Connecting Displaced Children with Educational and Support Services (A Handbook for Relief Agency Staff and Volunteers)*
- NCHE's *A McKinney-Vento Toolbox: Constructing a Robust and Rigorous Homeless Education Program, In Case of Disaster and Every Day* (<https://nche.ed.gov/mckinney-vento-toolbox/>) is designed to help school districts implement the McKinney-Vento Act fully, so they can address the needs of children and youth experiencing homelessness on a daily basis and in times of disaster.
- NCHE's Disaster Preparation and Response webpage (<https://nche.ed.gov/disaster-preparation-and-response/>) provides links to additional NCHE resources, information on helping students cope with disasters, and federal resources.

Reference

Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq. (2015). <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter119/subchapter6/partB&edition=prelim>

Appendix A. Supporting Students and Families Displaced by Disasters: Goals and Strategies for Local Education Agencies (LEAs)

- Goal 1:** Children and youth made homeless by disaster are able to return as soon as possible to the normalcy afforded by stable schooling.
- Families and youth made homeless by disaster are made aware of and understand their educational rights.
 - The local education agency (LEA) is prepared to address both the academic and the trauma needs of children impacted by disaster.

Challenges	Strategies/Activities/Good Practices – Before, During, and After Disasters
<ul style="list-style-type: none"> Families may be unfamiliar with the McKinney-Vento Act (MV) and not realize they meet the definition of homeless. Information on rights and services may be unavailable at the time of a disaster due to limited communication ability. Schools may not understand how MV applies to those displaced by disaster. Schools may be damaged or destroyed. Schools receiving large numbers of displaced students may not have the capacity to identify, enroll, and serve eligible students. Schools may resist providing services for an extended time period after the disaster even though families are still in temporary housing. Families, children, and youth may be traumatized and may experience fear and/or separation anxiety. Other needs may take precedence over schooling. Staff may not be equipped to assess trauma needs of children and youth; trauma staff may be scarce in the area where disaster has occurred. 	<p>Before:</p> <ul style="list-style-type: none"> Examine the LEA’s plan for disaster response; ensure the local homeless education liaison is prepared to carry out their responsibilities. Liaisons should address disaster response in all trainings (e.g., include eligibility scenarios involving families displaced by disaster and trauma-informed care). Develop a disaster web page on the LEA’s website; include the link in parent handbooks so parents know this will be a centralized information portal after a disaster. Identify local emergency resources and ensure they are aware of the MV program; provide this information to school-based MV contacts to ensure services that will quickly return students to school are part of the plan. <p>During:</p> <ul style="list-style-type: none"> If communication is possible, provide short, targeted information to key role groups regarding rights and services for students experiencing homelessness. Communicate with leaders in surrounding LEAs to determine the scope of the problem and where evacuees are likely to find safe haven. Update the disaster web page on a continual basis. Engage additional staff/volunteers to assist with enrolling large numbers of displaced students and linking them to community resources. Work with the LEA data manager to create a disaster code to document numbers of students enrolling that have become homeless due to the disaster; ensure that schools use the disaster code when enrolling displaced students. Communicate with LEA administrators to ensure that transportation and food services are expedited at enrollment sites. Contact counselors and external agencies to provide trauma-informed care. <p>After:</p> <ul style="list-style-type: none"> Provide ongoing support to schools for the educational needs of displaced students. Collect data on students displaced by disaster to provide to the state education agency. Update the disaster web page with information and resources for parents. Convene a work group of school-based personnel, administrators, and service providers to review what went well and what changes need to be implemented in the future.

- Goal 2:** The LEA is prepared to collaborate with other agencies to implement MV rights and services for children and youth impacted by disasters.
- Schools have the information and resources needed to ensure appropriate linkages with key agencies in support of educational stability for children and youth made homeless by disaster.
 - Schools are prepared to link families and youth made homeless by disaster with community services.
 - Emergency management agencies support educational continuity for children and youth made homeless due to disaster.

Challenges	Strategies/Activities/Good Practices – Before, During, and After Disasters
<ul style="list-style-type: none"> The LEA may not be familiar with local service providers, including emergency management agencies, and the resources they provide. Local service providers, including emergency management agencies, may not be familiar with MV rights and services. Emergency management agencies may not prioritize educational continuity. Emergency management agencies may be unable to meet with homeless education staff while addressing basic needs of victims. 	<p>Before:</p> <ul style="list-style-type: none"> Make sure emergency management agencies know about MV rights and resources. (Refer them to or provide them with NCHE's <i>Connecting Schools and Displaced Students</i> handbook.) Ask them to refer families with school-aged children impacted by disaster to the local homeless liaison. Develop a resource manual of local resources for those made homeless by disaster. Provide emergency preparedness task forces with information on the homeless education program and the importance of school continuity in the wake of disaster. <p>During:</p> <ul style="list-style-type: none"> Work with local relief agencies to ask emergency service providers to refer impacted families with school-aged children to the local liaison. <p>After:</p> <ul style="list-style-type: none"> Update the resource manual annually. Convene a community meeting to determine what went well and what lessons could be learned for future disaster events, specific to linking displaced families to services; jointly develop policies and protocols based on lessons learned and disseminate to LEA and local agencies.

Goal 3: LEA has mechanisms in place to share appropriate data so that children and youth made homeless by disaster are appropriately coded, counted, and provided with immediate support.

Challenges	Strategies/Activities/Good Practices
<ul style="list-style-type: none"> • The LEA may not include data elements to ensure accurate data on students made homeless by disaster. • Disaster may have destroyed internal technology capacity to access needed data. • The LEA may focus on meeting immediate needs of students and staff and not adequately prioritize collecting student data. • Relationships with community-based relief agencies may not be strong enough to support sharing needed information. • School district staff may be reluctant to share data on students impacted by disaster due to their misunderstanding of FERPA. 	<p>Before:</p> <ul style="list-style-type: none"> • Work with data staff to establish a uniform code to enroll displaced students. • Review FERPA laws to determine what data can be shared. • Develop a memorandum of understanding (MOU) between LEA and local agencies to clarify how data will be shared to meet FERPA requirements. <p>During:</p> <ul style="list-style-type: none"> • Ensure enrollment staff understand how to code and track the residency and cause of students made homeless by disaster. <p>After:</p> <ul style="list-style-type: none"> • Review data collection and coding process and improve as needed. • Identify data-sharing challenges; develop policies and protocols to resolve.

Adapted from *State Coordinators' Handbook, Appendix M*, by National Center for Homeless Education, 2019 (<https://nche.ed.gov/wp-content/uploads/2018/12/m.docx>)

This brief was developed by:

National Center for Homeless Education
800-308-2145 | homeless@serve.org
<https://nche.ed.gov>

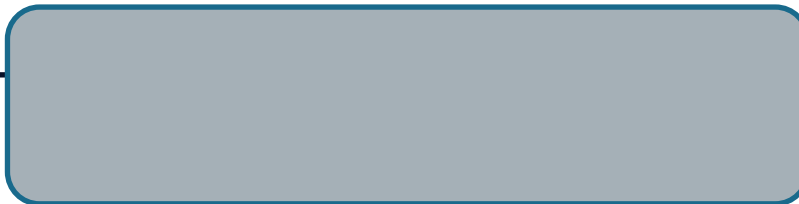
December 2022

The National Center for Homeless Education (NCHE) operates the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program. NCHE is supported by the U.S. Department of Education's Office of School Support and Accountability. The contents of this brief were developed under a grant from the Department; however, these contents do not necessarily reflect the views or policies of the Department.



For more information on issues related to the education of children and youth experiencing homelessness, contact the NCHE helpline at 800-308-2145 or homeless@serve.org.

Local Contact Information:



Code: C13
Required

STUDENTS WHO ARE HOMELESS

ADOPTION NOTES – This text box and the disclaimer should be removed prior to adoption.

(a) General – As with all model policies, VSBA recommends that each board carefully review this model prior to adoption to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.

(b) Legal references are listed for convenience, but do not need to be included in the policy as adopted.

(c) Any model policies listed under “cross-reference” indicate a reference to another related VSBA model policy. A district should check its own current policies to assure internal consistency.

(d) Withdrawn and earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

Policy

The _____ School District (District) is committed to the success of every student. Homeless students in the District will have access to the education and other services needed to ensure that an opportunity is available to meet the same academic achievement standards to which all students are held.

The District will designate a liaison for students in homeless situations to carry out duties as required by law.

The District will ensure that homeless students are not stigmatized nor segregated on the basis of their status as homeless. A homeless student will be admitted to the school district in which the student is actually living or to the student’s school of origin as requested by the parent and in accordance with the student’s best interest. Transportation will be provided to and from the student’s school of origin at the request of the parent, or in the case of an unaccompanied student, the District’s liaison for homeless students. Homeless students will have access to all programs and services for which they are eligible, including but not limited to special education services, preschool, school nutrition programs, and language assistance for English learners.

Definitions

1. **Homeless students** means those lacking a fixed, regular and adequate nighttime residence, which could include:
 - A. Sharing the housing of other persons due to loss of housing, economic hardship, or similar reason;
 - B. Living in motels, hotels, trailer parks or camping grounds **due to** the lack of alternative adequate accommodations;
 - C. Living in emergency or transitional shelters;
 - D. Being abandoned in hospitals;

- E. Having a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
- F. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings; and
- G. Migratory children living in conditions described in the previous examples.

- 2. **Enroll and enrollment** mean attending classes and participating fully in school activities.
- 3. **Unaccompanied youth** means a homeless child or youth not in the physical custody of a parent or guardian.
- 4. **School of Origin** means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool. When a child or youth completes the final grade level served by the school of origin, it also includes the designated receiving school at the next grade level for all feeder schools.

Administrative Responsibilities

The superintendent or designee shall develop written procedures to ensure the following rights of eligible students:

- 1. Equal access to the same free, appropriate public education, including public prekindergarten education, as is provided to other children and youth;
- 2. Immediate enrollment, even when records normally required for enrollment are not present;
- 3. Remain in the school of origin, if it is in the student’s best interest, in order to maintain educational stability;
- 4. Access to all educational and related services for which they are eligible, including Title I services, educational programs for children with disabilities, educational programs for English learners, career and technical education, programs for gifted and talented students, and free school meals;
- 5. Full participation in school, which may include participation in extracurricular activities;
- 6. Transportation, provided by the local education agency (LEA), to and from the school of origin;
- 7. Privacy, such that information about a homeless student’s living situation will be treated as a student education record and not deemed to be directory information.
- 8. Dispute an eligibility, school selection, or enrollment decision, and for a child or youth to be admitted to the school in which enrollment is sought, pending the resolution of the dispute.

<i>VSBA Update:</i>	<i>September 13, 2022</i>
<i>Date Warned:</i>	
<i>Date Adopted:</i>	

<i>Legal Reference(s):</i>	<i>McKinney-Vento Homeless Assistance Act (as amended by ESSA) 42 U.S.C. §§ 11431 – 11432</i>
	<i>Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 CFR Part 99</i>
<i>Cross References:</i>	

DISCLAIMER: This model policy has been prepared by the Vermont School Boards Association for the sole and exclusive use of VSBA members, as a resource to assist member school boards with their policy development. School Districts should consult with legal counsel and revise model policies to address local facts and circumstances prior to adoption, unless the model policy states otherwise. VSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.