

Missouri's List of Frequently Asked Questions Homeless Children and Youth

Q. Where can I find the definition of homeless children or youths?

A. The McKinney-Vento Homeless Education Assistance Act (42 U.S.C. 11431 et seq.) defines homeless children or youths. (See http://www4.law.cornell.edu/uscode/html/uscode42/usc_sec_42_00011434---a000-.html.) Section 167.020.1, RSMo, the state statute defining Missouri's public school residency requirements, conforms to the federal definition. (See <http://www.moga.mo.gov/statutes/C100-199/1670000020.HTM>.) Most Missouri school districts have adopted a written "Homeless Education Program" or "Admission of Homeless Students" policy or regulation that includes this definition. Homeless coordinators/liaisons and school admissions personnel should familiarize themselves with this policy.

Q. Are homeless children and youths subject to the same residency requirements as other students?

A. No. Pursuant to § 167.020.6, RSMo, homelessness is an exception to the residency requirements defined in § 167.020.2 and 3, RSMo.

Q. What is meant by "immediate" enrollment?

A. It means that a homeless student should be enrolled without undue or unreasonable delay. The goal is to ensure that the district does not create a barrier to enrollment.

Q. May a school district wait until a new semester begins to enroll a homeless child?

A. No. The McKinney-Vento Act supersedes district practice regarding enrollment. District personnel should review their board-adopted policy regarding the enrollment of homeless students.

Q. How does the school district determine if a student fits the definition of "awaiting foster care"?

A. The Department recommends contacting the Children's Division of the Department of Social Services for assistance in making a determination as to a student's care status.

Q. What is Missouri's policy on immunizations for homeless children and youths?

A. Once district officials have determined that an enrolling student is homeless, the district's homeless coordinator must assist in the student in obtaining his/her education, immunization, medical, and other records. According to McKinney-Vento, the student must be enrolled in the interim. If the homeless coordinator is unable to obtain prior immunization records within thirty (30) days of enrolling and the student is still eligible for services under the homeless education program; the student must begin the immunization series and demonstrate that satisfactory progress has been accomplished within (90) days. If the homeless student maintains that he/she is exempted from receiving immunizations, then after thirty (30) days the student must provide documentation in accordance with the exemption requirements provided for in § 167.181.3, RSMo. (See <http://www.moga.mo.gov/statutes/C100-199/1670000181.HTM>.)

Q. If a parent is incarcerated is the child automatically considered a homeless student?

A. A review of the facts specific to the child should assist the district in determining whether homelessness is a consequence of the incarceration. It may depend on the immediacy and longevity of the parent's incarceration; it may also depend on who has custody of the child during the parent's incarceration and/or whether the student is residing in a fixed, regular, and adequate nighttime residence during the incarceration. If the child isn't identified as homeless, s/he may be residing in the district as the result of hardship or good cause.

Q. If a homeless coordinator suspects that a "homeless" child is not truly homeless, how would the district prove that a person is not homeless?

A. McKinney-Vento requires homeless children to be enrolled immediately even if the student can't provide education records. Until the district determines otherwise, the student should be enrolled. Most school districts have a standard enrollment/registration form and/or a proof of residency waiver form that should provide the homeless coordinator enough information to make a determination as to the student's homeless status. If not, the homeless coordinator can continue to monitor the child's status throughout

the school year if the form doesn't provide enough information for the coordinator to initially make an informed decision.

Q. At what age can districts begin using grant funds to serve homeless children and youths? Do they need to only serve school-aged children as our state defines it?

A. McKinney-Vento addresses the needs of homeless children and youths from pre-school through grade 12 and requires comparable services for enrollment in preschool programs for which non-homeless preschool students are eligible. Therefore, a school district that operates a pre-school program in one or more schools should be providing comparable services for children who are homeless. School districts wanting to use grant funds for preschool may do so only for students who meet the age requirements of the district preschool program.

Q. Does our school district need to provide transportation for detention?

A. A homeless student receiving an after-school detention would be treated comparably to other students who have been detained after school. In some cases, that may mean the school provides after hours transportation.

Q. May school districts use transportation funds to transport a 19 year-old from a shelter to take GED classes? The student is not enrolled in the school district at this time.

A. The use of federal funds would not be appropriate for this purpose since the student is not enrolled in high school. On the other hand, a homeless student participating in a district's GED Option Program would still be eligible for transportation since the student remains enrolled in high school.

Q. Are school districts required to provide transportation to alternative schools for homeless students?

A. If the student is assigned to an alternative school by the district, then transportation must be provided to the school.

Q. Are school districts required to provide transportation during summer school for homeless children and youth?

A. Transportation during summer school is only required when it is provided to non-homeless students. Transportation should be provided if summer school is required for the homeless student to advance to the next grade.

Q. Once a homeless child is permanently housed are districts required to provide transportation for the remainder of the school year?

A. For the sake of educational continuity, a school district has the discretion to use Title I or Title V funds to continue transporting the student for the remainder of the year.

Q. Is the school district required to transport a homeless student to the school of origin/best interest if the student disobeys the rules in a cab and the driver refuses to transport the child for safety reasons and the district has no other means to transport the child?

A. All students are subject to the school district's discipline policies including those related to student transportation. Subject to the district's discipline policy, a homeless student may temporarily or permanently lose access to transportation if it's warranted under the circumstances.

Q. Which school is the "school of origin"?

A. The term "school of origin" is defined as the specific school building in a school district that the student attended when permanently housed or the school in which the student was last enrolled before becoming homeless.

Q. Is a school of origin required to enroll kindergarteners who are siblings of homeless students at the beginning of the new school year?

A. Again, it comes down to determining the school of best interest for that child. However, if an entire family is homeless, the district can presume the kindergartener is too.

Q. Once a child is homeless, who determines the “school of best interest”?

A. The school of origin shall comply, to the extent feasible, with the request of a parent or guardian regarding school selection; however, the school district ultimately determines the school of best interest. If the school district elects to send a child or youth to a school other than the school of origin or a school requested by the parent or guardian, district officials shall provide a written explanation, including the right to appeal the decision, and a copy of the standard complaint resolution to the parent or guardian or unaccompanied youth. While the school of best interest is being determined the child must be enrolled in the school of the parents’ choice until a final decision is made.

Q. Which school district is responsible for providing transportation to the school of best interest?

A. If the school of origin and the school of residence can not agree upon providing transportation, then McKinney-Vento requires the school districts to share the responsibility and cost for transportation equally.

Q. Are migrant children considered homeless?

A. The McKinney-Vento Act definition of homeless children and youths makes specific reference to “migratory children”. Therefore, migrant children’s circumstances should be reviewed with this definition in mind. Many migrant families share housing. Not all families who “double up” consider themselves homeless; sometimes families choose to live together. Other families are forced to double up because they’ve been made homeless due to unforeseen circumstances or because the immediacy of a circumstance requires sharing a residence. Migrant children residing in a fixed, regular, and adequate nighttime residence may not appear to be homeless; however, by definition, migrant families/children are highly mobile and often resort to residing in substandard housing. Therefore, the house they live in may not be fixed, regular or adequate. School districts should review the McKinney-Vento definition of homeless and evaluate each situation on a case-by-case basis.

Q. Are families living in Section 8 housing considered homeless? Are families living in transitional housing considered homeless?

A. The U.S. Department of Housing and Urban Development (HUD) Section 8 housing is considered as fixed, regular and part of a permanent housing plan. Other HUD housing is designed to serve as transitional housing for no more than two years at a time. School personnel will need to review the terms of housing contracts to determine if they are Section 8 (fixed, regular) or transitional (time limitations are imposed). For more information regarding HUD requirements go to <http://www.hud.gov/offices/cpd/homeless/rulesandregs/laws/title4/index.cfm>

Q. What if the student remains in transitional housing for four years, would they be considered homeless for all 4 years?

A. For HUD purposes some transitional housing is defined as two years or less. In cases where transitional housing is not supplied by HUD, the district may have to review the student’s circumstances to determine whether or not the student remains homeless. For example, if a student continues to reside in a shelter or in some other housing that is not intended to be fixed and regular or is not adequate, then the student is defined as homeless under the McKinney-Vento definition of homeless. Homelessness is not always temporary; sometimes it’s chronic.

Q. A family is sharing the housing of other persons for one year. During the year the children were transported to their school of origin in another district. A new school year is about to begin. Is the school that transported/enrolled them last year required to do so again? Or should the family enroll in their school district of residence? How long is a school district required to transport/enroll doubled up extended situations?

A. Homelessness is not limited in time and can, over time, become chronic. Therefore, the district of origin should review the family’s current living situation for purposes of determining whether the family remains homeless. For example, a family may have lost their home in a fire. If the home is being re-built, but is not yet finished, then the family may still be homeless. This question can only be answered by reviewing the McKinney-Vento definition of homeless and determining whether the family still falls within that definition.

Q. A district has a family that has been living in a hotel located in another district for three years. The children have been transported and enrolled each year in the non-resident district. Does the

non-resident district have to continue to enroll and transport them for the fourth year since the once temporary situation now seems permanent?

- A.** While living temporarily in a hotel qualifies as homeless, the above situation may not be considered fixed, regular, and adequate enough to stop providing McKinney-Vento services to the students. The school must determine whether the living arrangement is due to the lack of an alternative adequate accommodation.
- Q. What if a family is homeless during one school year and the next year they are still homeless, what does a school district have to do to provide services for that child?**
- A.** If a child is homeless during one school year they can receive services for the remainder of that school year as a homeless child. If the child returns to the school district the next school year claiming to be homeless, the homeless coordinator should reevaluate the situation prior to determining whether the child should remain in the district. Some questions to consider are: What is the family's current housing situation? Does it continue to meet one of the definitions of homeless under McKinney-Vento or § 167.020, RSMo? Is the child staying in the same location or is it a different location from the previous school year? What are the parents' plans? How far is it between the school of origin and the district of residence? Would it be in the child's best interest to enroll in the district of residence at the start of the new school year? What are the parents' plans?
- Q. A homeless student violates the Safe Schools Act and is suspended or expelled from the school of origin. Is the school of residence required to immediately enroll this student?**
- A.** Any time the enrolling district knows that a student has been suspended or expelled from another school as the consequence of the Safe Schools Act, the district must review its written discipline policy to determine if it would have suspended or expelled the student for the same reason. If so, the district would not have to enroll the student until such time as the suspension or expulsion expires. If the homeless student has an IEP, the school in which the student was enrolled must continue to provide a free and adequate education as required under the IDEA. If the district does not know about the Safe Schools Act violation, the student should be enrolled until the district receives the student's disciplinary record from the school he/she previously attended. If the district has reason to suspect that a child poses an immediate danger to others the superintendent may convene a hearing within five working days of the request to enroll to determine the appropriate course of action.
- Q. Are there reliable web sources of information I can refer to when I have questions about educating homeless children and youth?**
- A.** The Department's "Homeless Children and Youth Program" website is located at <http://dese.mo.gov/divimprove/fedprog/discretionarygrants/homeless/index.html>. This site provides links to useful informational sources such as the National Center for Homeless Education (NCHE) and the National Association for the Education of Homeless Children and Youth (NAEHCY).