



**5020**

**Policy to Implement the McKinney-Vento Act  
for Students Experiencing Homelessness**

THE PURPOSE OF THIS POLICY IS TO CLARIFY THE STATUTORY RIGHTS OF SCHOOL-AGE CHILDREN AND YOUTHS EXPERIENCING HOMELESSNESS AS PROVIDED BY FEDERAL AND STATE LAW. THIS POLICY SHALL BE INTERPRETED AND IMPLEMENTED IN CONFORMANCE WITH FEDERAL AND STATE LAW AND SHALL SUPERSEDE ANY OTHER SCHOOL BOARD POLICY PROVISIONS RELATING TO SCHOOL-AGE CHILDREN AND YOUTHS EXPERIENCING HOMELESSNESS. THE SCHOOL BOARD SHALL REMOVE BARRIERS THAT AFFECT THE IDENTIFICATION, ENROLLMENT, RETENTION, AND SUCCESS IN SCHOOL OF STUDENTS EXPERIENCING HOMELESSNESS.

The School Board of Broward County, Florida shall ensure that all children and youths including preschool-aged children, have equal access to the same free, appropriate educational programs, as provided to other children and youths to ensure an opportunity to meet the same challenging State of Florida academic standards, to which all students are held and to fully participate in the district's academic and extracurricular activities . Students experiencing homelessness, attending a public or charter school, shall not be stigmatized, segregated, or discriminated against on the basis of their status as homeless.

**I. The District will remove barriers to:**

- A. identifying homeless children and youth;
- B. enrolling and retaining children and youth experiencing homelessness ;
- C. provide access to public pre-school programs administered by the district to children experiencing homelessness;
- D. provide appropriate credit for full or partial coursework satisfactorily completed by children and youth experiencing homelessness who attended a prior school;
- E. provide access for homeless children and youth to academic and extracurricular activities; and

- F. immediately enroll children and youth experiencing homelessness to a qualified school.

**II. Definitions:**

- A. The McKinney-Vento Homeless Assistance Act, hereby referred to as the McKinney-Vento Act, defines students experiencing homelessness as individuals who lack a fixed, regular, and adequate nighttime residence and includes children and youths who:
  - 1. are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason. (42 U.S.C. §11434a(2)(B)(i))
  - 2. are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations. (42 U.S.C. §11434a(2)(B)(i))
  - 3. are living in emergency or transitional shelters; or are abandoned in hospitals; (42 U.S.C. §11434a(2)(B)(i))
  - 4. have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings ; (42 U.S.C. §11434a(2)(B)(ii))
  - 5. are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings ; (42 U.S.C. §11434a(2)(B)(iii)) and
  - 6. are migratory children living in circumstances described above (42 U.S.C. §11434a(2)(B)(iv));
- B. "Unaccompanied youth" is a child or youth experiencing homelessness who is not in the physical custody of a parent or guardian. (42 U.S.C. §11434a(6))
- C. "School of origin" is 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. 42 U.S.C. § 11432(g)(3)(I)(i)
- D. "Enroll and enrollment" includes attending classes and participating fully in school activities. 42 U.S.C. § 11434a(1)

- E. "Immediate" means without delay.
- F. "Parent" means either or both natural or adoptive parents of a student, any legal guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent (F.S. §1000.21(5)).
- G. "Liaison" is the staff person designated by Broward County Public Schools Superintendent of Schools as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Act.
- H. "Eligible School" is the school of origin, the school zoned for the address where the student is temporarily residing, or another school which students residing in that attendance zone are eligible to attend.
- I. "Designated receiving school" includes the next level school, elementary from prekindergarten (rising kindergarten student), middle from elementary (rising 6<sup>th</sup> grade student), high from middle (rising 9<sup>th</sup> grade student), that a homeless child or youth, whose homelessness continues into the next school year, may attend when that next level school is the district designated school for those students in the homeless student's school of origin. 42 U.S.C. § 11432(g)(3)(I)(ii)

**III. School Selection and Stability:**

- A. Students experiencing homelessness have a right to either remain in their school of origin or attend the school zoned for their temporary nighttime residence. Keeping the child or youth in the school of origin is presumed to be in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or, in the case of an unaccompanied youth, the youth. 42 U.S.C. § 11432(g)(3)(B)(i) B. The District shall, according to the student's best interest, and by the parent, guardian, or unaccompanied youth's request, continue the education of a student experiencing homelessness in the school of origin (out of boundary) for the duration of homelessness, or enroll the student in an eligible District school within the attendance zone based on the student's current nighttime address. 42 U.S.C. § 11432(g)(3)(A)

- B. In determining the best interest of students experiencing homelessness, the District shall:
1. Presume that keeping a child or youth experiencing homelessness in the school of origin to be in their best interest, except when doing so is contrary to the request of the child's or youth's parent, guardian, or (in the case of an unaccompanied youth), the youth. 42 U.S.C. § 11432(g)(3)(B)(i)
    - a. The choice regarding school placement (school of origin or attendance zone/boundary school) shall be presented regardless of whether the student lives with parents or a guardian experiencing homelessness or has been temporarily placed elsewhere within Broward County or neighboring counties, Miami-Dade or Palm Beach.
  2. Consider student-centered factors to determine a placement that is in the student's best interest 42 U.S.C. § 11432(g)(3)(B)(ii)
  3. Ensure, in the case of an unaccompanied homeless youth, the District's Homeless Education Liaison provides technical assistance concerning school placement or enrollment decisions and provides notice of the right to appeal such decisions.
  4. Not mandate that students experiencing homelessness go through the formal reassignment process to attend their school of origin. The District requirement for students moving their physical residence from one school attendance zone/boundary to another shall not automatically apply to students experiencing homelessness.
  5. Enter the appropriate code for students experiencing homelessness who continue to attend their school of origin (out-of-boundary) in the District's student information system.

**IV. Immediate Enrollment [42 U.S.C. § 11432(g)(3)(C)]**

- A. The District will remove barriers to enrollment and immediately enroll students experiencing homelessness who are new to the district, in schools, even if they missed an application or enrollment deadline during any period of homelessness, or cannot produce records or documents usually required for enrollment, such as school records, including:
1. previous academic records; 42 U.S.C. § 11432(g)(3)(C)(i);
  2. Immunizations or other health records; 42 U.S.C. § 11432(g)(3)(C)(i);
  3. birth certificate; 42 U.S.C. § 11432(g)(3)(C)(i);

4. proof of residency (student lives in Broward County); 42 U.S.C. § 11432(g)(3)(C)(i);
  5. guardianship 42 U.S.C. § 11432(g)(3)(C)(i) ;
- B. The District will remove other barriers to enrollment, including:
1. uniform or dress code requirements 42 U.S.C. § 11432(g)(3)(H)(v) ;
  2. outstanding fees, fines, or absences 42 U.S.C. § 11432(g)(3)(I) ;
  3. other required documentation 42 U.S.C. § 11432(g)(3)(H)(iii) .
- C. A student experiencing homelessness will be assigned to the District school in the attendance zone in which the student actually resides (nighttime residence where most school nights are spent), or to the student's school of origin as requested by the parent, guardian, or unaccompanied youth and in accordance with the student's best interest.
- D. Students experiencing homelessness who become permanently housed during the academic year, may remain in their school of origin, if they so choose, for the remainder of the academic year and continue to receive all McKinney-Vento Act benefits. 42 U.S.C §11432(g)(3)(A)(i)(I),(II)
- E. If a student experiencing homelessness arrives without school records, the receiving school shall immediately contact the school last attended to obtain relevant academic and other records. 42 U.S.C §11432(g)(3)(C)(ii)  
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- F. The District/school shall assist the parent, guardian, or unaccompanied homeless youth in obtaining necessary immunizations or other records if the student needs to obtain these records. The school should refer them to the school-based HEART designee, school social worker or District Homeless Education Liaison if additional assistance is needed. 42 U.S.C §11432(g)(3)(C)(iii)

## V. **Records**

- A. Information maintained for each child or youth experiencing homelessness including immunization or other required health records; birth certificates; academic records; guardianship records; and evaluations for special services are treated as confidential student education records and must be maintained in a matter consistent with 20 U.S.C. §1232g. 42 U.S.C §11432(g)(3)(D).
- B. Such aforementioned information shall be made available, in a timely

manner, when a child or youth enters a new school. 42 U.S.C §11432(g)(3)(D)

**VI. Residency**

- A. A student experiencing homelessness is considered a resident if the child or youth physically resides in Broward County, Florida.
- B. The student shall be considered a resident when living with a parent, or person *in loco parentis* not solely for school purposes or for participation in extracurricular activities.
- C. Homeless unaccompanied youth who do not live with their parents may enroll themselves in school 42 U.S.C. §11432(g)(6)(A)(x)
- D. The address listed on the enrollment forms (including documents provided by the Homeless Education Program to assess current housing status) becomes proof that the student lives in Broward County, Florida.

**VII. Guardianship and Caregivers**

- A. For purposes of school placement, any parent or person *in loco parentis* who has legal or physical custody of a child or youth experiencing homelessness shall enroll that child or youth directly in the school or origin, or the school zoned for the student’s current nighttime address.
- B. If a student experiencing homelessness is not accompanied by a parent or legal guardian at the time of enrollment, the person acting as a caregiver, or the unaccompanied youth shall complete the District’s Homeless Education Program’s Caregiver Authorization Form.

**VIII. Disputes: Eligibility, School Selection and Enrollment**

- A. When the District determines that a placement other than the school of origin is in the best interest of a child or youth experiencing homelessness:
  - 1. The child or youth will either remain enrolled in the student’s school of origin or shall be immediately enrolled in the eligible school in which enrollment is sought, either the school zoned for the address where the student is residing most school nights, or another school which students residing in that attendance zone are eligible to attend, pending final resolution of the dispute including all available appeals ; 42 U.S.C. §11432(g)(3)(E)(i).

2. The parent or guardian of the child, youth, or unaccompanied homeless youth shall be provided with a written explanation of the District's decision regarding school selection, including the rights of the parent or student to appeal the decision through the District's Dispute Resolution process and the Florida Department of Education's appeal process. The written explanation shall be provided in a manner and form understandable to the parent, guardian, or unaccompanied homeless youth. 42 U.S.C. §11432(g)(3)(E)(ii).
3. The child, youth, or unaccompanied homeless youth and/or parent, guardian or caregiver shall be referred to the District Homeless Education Liaison, who shall ensure the resolution process is carried out as expeditiously as possible after receiving notice of the dispute; 42 U.S.C. §11432(g)(3)(E)(iii)and

In the case of an unaccompanied youth, the District Homeless Education Liaison shall ensure that the student is immediately enrolled in the eligible school in which the youth seeks enrollment pending the resolution of the dispute. 42 U.S.C. §11432(g)(3)(E)(iv).

## **IX. Transportation**

- A. The District shall ensure that, at the request of the parent, guardian, (or, in the case of an unaccompanied homeless youth, at the request of the District's Homeless Education Liaison), transportation to and from a child or youth's school of origin will be provided or arranged as follows:
  1. If the child or youth experiencing homelessness continues to live in the school district of Broward County, in which the school of origin is located, transportation will be provided for the homeless student to and from the school of origin. 42 U.S.C. §11432(g)(1)(J)(iii)(I).
  2. If the child or youth experiencing homelessness moves to an area served by a neighboring school district, and the best interest determination is that the student should continue their education at the school of origin in the District of origin, both districts must agree upon a method to apportion responsibility and costs for transportation to and from the school of origin. If the districts cannot agree upon such a method, the responsibility and costs must be shared equally. 42 U.S.C. §11432(g)(1)(J)(iii)(II)
- B. When the student obtains permanent housing, such transportation shall be

provided to and from the school of origin until the end of the current school year.

**X. Full Participation and Comparable Services**

- A. Children and youths experiencing homelessness, will have access to all available academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, for which they meet the relevant eligibility criteria and preschool programs administered by the District. 42 U.S.C. §11432(g)(4).
- B. Youths experiencing homelessness and youths separated from public schools are identified and afforded equal access to appropriate secondary education and support services. This includes identifying and removing barriers that prevent youths described from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with state, local, and school policies. 42 U.S.C. §11432(g)(1)(F)(ii).
- C. Unaccompanied homeless high school youth (grades 9 through 12) will receive school counseling services to prepare and improve their readiness for postsecondary education. 42 U.S.C. §11432(g)(K)
- D. The District Homeless Education Liaison will ensure unaccompanied homeless youths are informed of their status as independent students under section 1087vv of title 20 and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for the purposed of the Free Application for Federal Student Aid described in section 1090 of title 20. 42 U.S.C. §11432(g)(6)(A)(x)(III).
- E. Each school (public and charter) will provide services to children and youths experiencing homelessness that are comparable to services offered to non-homeless students in their school, including:
  - 1. Transportation services; 42 U.S.C. §11432(g)(4)(A)
  - 2. Educational services for which the child or youth meets the eligibility criteria, such as Title I and educational programs for children with disabilities and English Language Learners; 42 U.S.C. §11432(g)(4)(B)
  - 3. Programs in career and technical education; 42 U.S.C. §11432(g)(4)(C)



4. Programs for gifted and talented students; 42 U.S.C. §11432(g)(4)(D)

5. School nutrition programs; 42 U.S.C. §11432(g)(4)(E)

**XI. Homeless Education Liaison**

A. The Superintendent shall ensure that a District Homeless Education Liaison is appointed who is able to carry out the duties described in the McKinney-Vento Act in support of school-age children and youth experiencing homelessness and ensure that his/her duties are communicated to district and school personnel and appropriate community agencies and service providers/organizations. 42 U.S.C. §11434(g)(1)(J)(ii).

B. Additionally, the District Homeless Education Liaison will oversee the coordination of district programs and collaborate with other school districts, community services providers and organizations, including:

1. local social services and other community agencies to provide support to students experiencing homelessness and their families; 42 U.S.C. §11432(g)(5)(A)(i)

2. other school districts regarding homeless student-related transportation, transfer of school records, and other inter-district activities, as needed; 42 U.S.C. §11432(g)(5)(A)(ii)

C. Housing authorities; 42 U.S.C. §11432(g)(5)(B) and

D. Exceptional Student Education (ESE) programs. 42 U.S.C. §11432(g)(5)(D).

**XII. Public Notice**

A. In addition to notifying the parent or guardian of a child or youth experiencing homelessness, or an unaccompanied homeless youth of the applicable rights described above, the District shall post public notice of educational rights of children and youth experiencing homelessness in each public and charter school including contact information for the District Homeless Liaison and the Federal Director of the Title IX, Part A Florida McKinney-Vento Program (Education of Homeless Children and Youth).

- B. Public notice of the McKinney-Vento rights shall also be posted in places that homeless populations frequent, such as shelters, feeding site, local hotels and motels, and libraries in a manner and form understandable to parents, guardians, and unaccompanied youths. 42 U.S.C. §11432(g)(6)(A)(vi).

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Authority: The McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§11431 – 11436;; Title IX, Part A of the Elementary and Secondary Education Act, 20 U.S.C. §§6311 – 6315.; Family Educational Rights and Privacy Act, “FERPA,” 20 U.S.C. §1232g; F.S. §§1001.41, 1001.42, 1001.43, 1003.01(12) 1003.21

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