

# REGULATION

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** ABC-RA, BLB, JEA, JEA-RA, JEA-RB, JEA-RC, JEA-RE, JFA-RA, JOA-RA

**Responsible Office:** Chief of Teaching, Learning, and Schools

### Enrollment of Homeless Students

#### I. PURPOSE

To implement federal and state laws setting forth requirements to ensure that each homeless child and youth has equal access to the same free appropriate public education, including a public preschool education, as provided to other children and youths.

To establish procedures for the identification and enrollment in school of homeless children and youths living in Montgomery County so as to maintain a stable educational environment by minimizing the effect of mobility on academic achievement whenever feasible. Montgomery County Board of Education policies, Montgomery County Public Schools (MCPS) regulations, and related procedures should not be applied to act as a barrier to the enrollment, attendance, or success, of homeless children and youths in school.

To affirm the expectation in federal law that homeless children and youths shall have access to the education and other services they need to enable them to meet the same challenging state student academic achievement standards to which all students are held.

#### II. DEFINITIONS

- A. “Child” and “youth” means an individual who is eligible to attend public school or educational program in Maryland, including—
1. Prekindergarten through 12<sup>th</sup> grade;
  2. Head Start or Even Start;
  3. Special Education, including Early Intervention Program for Infants and Toddlers with Disabilities (Child Find); or
  4. Other programs

- B. “Homeless student” means child or youth, including a preschool-aged child, who lacks a fixed, regular, and adequate nighttime residence, whether or not the temporary housing is located in Montgomery County, and who are otherwise eligible to attend MCPS. This term includes the following:
1. Children and youths who are—
    - a) sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
    - b) living in a motel, hotel, trailer park, or camping ground due to the lack of alternative adequate accommodations;
    - c) living in an emergency or transitional shelter<sup>1</sup>; or
    - d) abandoned in a hospital.
  2. Children and youths who have a primary nighttime residence that is—
    - a) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, park, public space, abandoned building, bus or train station, or similar setting; or
    - b) a setting that is considered to be substandard housing, which may be determined by considering whether the setting in which the family, child, or youth is living lacks one of the fundamental utilities such as water, electricity, or heat; is infested with vermin or mold; lacks a basic functional part such as a working kitchen or a working toilet; or may present unreasonable dangers to adults, children, or persons with disabilities.
  3. Children living with parents/guardians who are migratory agricultural workers in one of the circumstances described above; or
  4. An *unaccompanied homeless youth*, who is a homeless student not in the physical custody of a parent/guardian.

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<sup>1</sup> A child or youth who is awaiting foster care placement is not considered a homeless child or youth. For more information regarding of students in foster care, see also Board Policy JEA, *Residency, Tuition, and Enrollment*; MCPS Regulation JEA-RB, *Enrollment of Students*; Regulation JEA-RE, *Tuition-based Enrollment*; and Regulation JOA-RA, *Student Records*.

- C. “MCPS homeless liaison” is the person responsible for ensuring that homeless children are identified, enrolled, and provided all appropriate educational services. This person also serves as one of the primary contacts between homeless families and school staff, central office, shelter workers, and other service providers.
- D. “Parent” or “guardian” means the –
1. parent, individual, or public agency having legal or lawful physical custody of the homeless student;
  2. person or public agency to whom guardianship of a child or youth has been given by order of court; or
  3. homeless student or youth if the student is 18 years or older and no parent/guardian is available.
- E. “School of origin” means the school or preschool the student attended when permanently housed or the school in which the student was last enrolled. When a student completes the final grade level served by the school of origin, the school of origin includes the designated receiving/feeder school.

### III. PROCEDURES

#### A. Identification and Eligibility Determination

1. Students new to MCPS
  - a) If the parent/guardian of a new student, in completing MCPS Form 560-24, *New Student Information*, checks the Homeless box, the student should be presumed homeless.
  - b) If the parent/guardian, in completing MCPS Form 560-24, *New Student Information*, checks the Shared Housing box, further inquiry is required to determine whether the student’s living circumstances are encompassed in homeless status.
2. Students currently enrolled in MCPS

If a parent/guardian of an MCPS student identifies the student as homeless to the student’s school, or tries to withdraw the student due to loss of housing, the student should be considered homeless.

**B. Best Interest Determination**

Once a student is identified as homeless, the school placement will be made as part of a best interest determination meeting.

1. The purpose of the best interest determination meeting is to decide whether the homeless student shall continue enrollment in the school of origin or enroll at the school for the address where the homeless student is living temporarily.
2. It shall be presumed that it is in the homeless student's best interest to keep the homeless student enrolled in the school of origin, unless contrary to the wishes of the homeless student's parent/guardian, or the youth if an unaccompanied homeless youth.
3. The best interest determination meeting shall be conducted by—
  - a) the school where the parent/guardian is seeking enrollment, if the student is not currently enrolled in MCPS; or
  - b) the school where the student is currently enrolled, if the student is an active MCPS student.
4. The best interest determination meeting shall include—
  - a) the parent/guardian or, in the case of an unaccompanied homeless youth, either the MCPS homeless liaison or a caregiver who has completed MCPS Form 335-77, *Homeless Status*;
  - b) the principal/designee;
  - c) the pupil personnel worker;
  - d) relevant school and central office staff; and
  - e) the homeless student, if appropriate.
5. When determining a student's best interest, consideration must be given to student-centered factors, including factors related to the impact of mobility on achievement, education, health, and safety of the student, which may include—

- a) the student's age;
  - b) the school that the student's siblings attend;
  - c) the student's experiences at the school of origin;
  - d) the student's academic needs;
  - e) the student's emotional needs;
  - f) any other special needs of the family;
  - g) continuity of instruction;
  - h) length of stay in the current living situation;
  - i) the likely location of the family's future permanent housing;
  - j) time remaining in the school year;
  - k) distance of commute, the impact it may have on the student's education, and other student-centered transportation-related factors;
  - l) the safety of the student;
  - m) the student received special education services at the school of origin; and
  - n) the student received English for Speakers of Other Languages (ESOL) services at the school of origin.
6. The existence of a disability may factor into best interest determinations affecting school placements.
- a) Each child's placement decision must be made by a group of persons, including the parents/guardians and other persons knowledgeable about the child, the meaning of evaluation data, and placement options.

- b) Because highly mobile homeless children often fail to remain in one school long enough to be appropriately diagnosed with a disability, the best interest assessment should consider that homeless children may be at greater risk of having undiagnosed disabilities.
- 7. A school may not segregate a homeless student from the mainstream school environment because they are homeless, although in some circumstances it may be appropriate to provide additional services.
- 8. Homeless students living separately from their parent/guardian shall be offered the same school choice options as other homeless students are offered.
- 9. As part of the best interest determination meeting, the parent/guardian shall complete MCPS Form 335-77, *Homeless Status*, with school staff. Once a best interest determination is made regarding school placement that decision should be reflected on MCPS Form 335-77. The parent/guardian should indicate their agreement or disagreement with the school placement decision.

If the best interest determination meeting results in the homeless student being recommended for a school placement with which the parent/guardian or unaccompanied homeless youth disagrees, the principal/designee shall provide a written explanation using MCPS Form 335-77A, *Parent Letter*, to the parent/guardian or unaccompanied homeless youth, which shall include a statement regarding the right to appeal the determination. See section I.

C. Enrollment

- 1. The school that is determined to be in the best interest of the homeless student must immediately enroll the student, even if the student is unable to produce the records normally required for enrollment, such as school records, birth certificate, immunization records, and guardianship records.
- 2. The enrolling school shall immediately contact the school last attended by the homeless student to obtain relevant academic and other records.
- 3. If the homeless student needs to obtain immunizations or immunization/medical records, the enrolling school immediately shall refer the parent/guardian to the MCPS homeless liaison who shall facilitate obtaining the necessary immunization or immunization/medical records.

D. Comparable Services

1. Each homeless student shall be provided services comparable to the services offered to other students in the school that the homeless student attends. Such services include the following:
  - a) Transportation services, including to the school of origin, if it is determined that it is in the best interest of the student to continue at that school, unless the student resides within the walking distance established by the Board of Education.
  - b) Educational programs or services for which the student meets the relevant eligibility criteria, such as services provided under Title I, educational programs for students with disabilities, and educational programs for students with limited English proficiency, Head Start (including Early Head Start), early intervention services, and any other preschool programs administered by MCPS.
  - c) Before- and after-school programs.
  - d) Career and readiness programs.
  - e) Programs for gifted and talented students.
  - f) School nutrition programs.
2. Principals/designees shall see to it that homeless students receive appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in consultation with the Office of Curriculum and Instructional Programs and the Office of School Support and Improvement. Examples of such procedures include awarding credits for all courses satisfactorily completed at a prior school, even if the school was in a different district or state, consulting with a student's prior school about the student's coursework at that school, informally or formally evaluating students' current mastery of courses partly completed in a prior school, awarding partial credits, and offering credit-recovery courses.
3. Homeless students who meet the eligibility criteria must not face barriers to accessing academic and extracurricular activities.

- a) Academic opportunities may include magnet schools, summer school, career readiness programming, advanced placement, and online learning.
- b) Barriers to access may include missed application or enrollment deadlines, fines, or fees; records required for enrollment, including immunization or other required health records, proof of residency, or other documentation; or academic records, including documentation for credit transfer.

E. Records

For each homeless student, any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificate, guardianship records, and evaluations for special services or programs, shall be maintained in accordance with MCPS Regulation JOA-RA, *Student Records*, so that they are available in a timely fashion when the student enters a new school or a new school district. However, information regarding a homeless student's living situation is not considered directory information and must be afforded the same protections as other non-directory information contained within a student's record.

F. MCPS Homeless Liaison

The MCPS homeless liaison is responsible for—

1. ensuring that homeless children and youth are identified by school personnel and are enrolled in and have a full and equal opportunity to succeed in MCPS;
2. ordering free or reduced-price meals;
3. coordinating appropriate referrals of homeless children and families to health care, dental care, mental health services, and other appropriate services, including substance abuse and housing;
4. expediting school placement decisions;
5. identifying homeless children, youth, and families in the community;
6. coordinating programs and services to prevent duplication of services;

7. monitoring programs and projects to ensure their compliance with applicable statutory and regulatory requirements;
8. informing parents or guardians of homeless children and youth of the educational and related opportunities available to their children, ensuring that they are provided with meaningful opportunities to participate in the education of their children;
9. disseminating public notice of the educational rights of homeless children or youth in locations frequented by parents/guardians of such children and youth, including schools, community agencies and organizations, family shelters, public libraries, and soup kitchens;
10. ensuring that the parent or guardian of a homeless child or youth and any unaccompanied youth is fully informed of all transportation services, including transportation to the school of origin, is assisted in accessing transportation to the school that is selected, and that enrollment disputes are mediated in accordance with this regulation;
11. working with Title I administrators to ensure that Title I services are provided in accordance with the reservation of funds required by the McKinney-Vento Act;
12. coordinating and collaborating with the state coordinator and community and school personnel responsible for the provision of education and related programs and services to homeless children and youths for which they may be eligible, including ESOL services, Head Start (including Early Head Start), and Child Find;
13. developing and implementing a program to train school personnel on the educational rights of homeless children and youths, policies and procedures to identify and serve homeless children and youths, and the special needs of homeless children and youths; and
14. assisting unaccompanied homeless youths as set forth in section G below.

G. Unaccompanied Homeless Youth

Unaccompanied homeless youths often face unique barriers in enrolling and succeeding in school. These barriers may include school attendance policies, credit accrual, and legal guardianship requirements. Without a parent or guardian to advocate for them and exercise parental rights, they may be denied enrollment and

remain out of school for extended periods of time. Unaccompanied homeless youths also may not understand their educational rights or know how to acquire this information. Given their vulnerability to not graduating from high school on time or at all, special attention and support should be provided to this important subgroup of homeless youths.

1. The homeless liaison shall assist unaccompanied homeless youths with the school selection process, enrolling them in school, and assisting with transferring credits.
2. Registrars and other enrollment staff should assist by reviewing enrollment forms to identify which students are not in the physical custody of parents or guardians.
3. The homeless liaison and other staff should help the unaccompanied homeless youths get connected to other supports they need, including housing assistance, health care, and other basic needs, providing support to help address underlying trauma unaccompanied homeless youths may have faced so that they can be successful in school.
4. Under Part B of the IDEA, public agencies must determine whether an unaccompanied homeless youth needs a surrogate parent and, pending the appointment of a surrogate parent when necessary, appropriate staff of emergency shelters, transitional shelters, independent-living programs, and street outreach programs may be appointed as temporary surrogate parents, until a surrogate parent can be appointed that meets all applicable IDEA requirements.
5. Homeless youths may sometimes face barriers in accessing and completing postsecondary education, such as difficulties in applying for, receiving financial aid, and lacking a support network.
  - a) Counselors must provide advice to homeless youths to prepare and improve the readiness of such youths for college.
  - b) The homeless liaison, along with guidance counselors and other MCPS staff tasked with college preparation, should ensure that all homeless high school students receive information and individualized counseling regarding college readiness, college selection, the application process, financial aid, and the availability of on-campus supports. They shall also inform the students of their status as independent students under section 480 of the *Higher*

*Education Act of 1965*, and their right to receive verification of this status.

H. Natural or Human-made Disasters

1. A natural or human-made disaster can result in many families losing their homes instantly. It will be critical for the MCPS homeless liaison to work with state coordinators to facilitate services to families and students made homeless by such a disaster or other catastrophic event.
2. When disaster occurs, the liaison should be proactive by preparing schools to enroll large numbers of displaced students and arranging for additional staff to assist with the identification and enrollment process as needed.
3. The liaison should publicize the rights and services of homeless students directly to the impacted families and those who are assisting families, which may include displaying and distributing posters or brochures on McKinney-Vento rights in places where people who are displaced may assemble.

I. Enrollment Disputes

1. If a dispute arises over school selection or enrollment in a school:
  - a) The homeless student shall be admitted immediately and provided with transportation to the school in which enrollment is sought (the school of origin or school for the address where the homeless student is living temporarily) pending resolution of the dispute.
  - b) The parent/guardian shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the right to appeal the decision and access to translation. The explanation of how the school reached the decision should include the following:
    - 1) A description of the action proposed or refused by the school.
    - 2) An explanation of why the action is proposed or refused.
    - 3) A description of any other options the school considered.
    - 4) The reasons why any other options were rejected.

- 5) A description of any other factors relevant to the school's decision and information related to the eligibility or best interest determination, including the facts, witnesses, and evidence relied upon and their sources.
  - 6) Appropriate timelines to ensure any relevant deadlines are not missed.
  - 7) Contact information for the MCPS homeless liaison and state coordinator, and a brief description of their roles.
- c) In the case of an unaccompanied homeless youth, the MCPS homeless liaison shall ensure that the student is immediately enrolled and provided transportation to the school in which enrollment is sought (the school of origin or school for the address where the homeless student is living temporarily) pending resolution of the dispute.
2. Disputes regarding enrollment, school selection and services to be provided shall be addressed as follows:
- a) Upon receipt of a written complaint from the parent/guardian of a homeless student or an unaccompanied homeless youth, the principal shall resolve the complaint within five school days.
  - b) If the parent/guardian or the unaccompanied homeless youth is dissatisfied with the resolution, or if the principal does not issue a decision within five school days, the parent/guardian or the unaccompanied homeless youth may file a written complaint with the superintendent of schools.
  - c) The superintendent of schools shall issue a decision within 10 school days.
  - d) If the superintendent of schools does not issue a decision within 10 days, or if the parent/guardian or the unaccompanied homeless youth is dissatisfied with the decision, the parent/guardian or the unaccompanied homeless youth may appeal the decision to the Board in writing within 30 days, pursuant to Education Article, §4-205(c), *Annotated Code of Maryland*, and Board Policy BLB, *Rules of Procedure in Appeals and Hearings*.

- e) The Board shall decide the appeal on an expedited basis within 45 days of receipt of the appeal.
  - f) If the parent/guardian or the unaccompanied homeless youth is dissatisfied with the decision of the Board, the parent/guardian or the unaccompanied homeless youth may appeal the decision to the Maryland State Board in writing within 30 days, pursuant to *COMAR 13A.01.05.02*.
3. During the dispute resolution process, including any appeals, the student shall remain enrolled in MCPS and shall be provided with transportation by MCPS.
  4. While a student is presumed to be homeless if identified according to procedures in section III.A, the identification may be overturned, following the procedures established above, if evidence arises to the contrary.
- J. For additional information regarding the identification and enrollment of homeless students, consult the following documents and forms:
1. MCPS Form 560-24, *New Student Information*
  2. MCPS Form 335-77, *Homeless Status*
  3. MCPS Form 335-77A, *Homeless Student School Choice Decision*
  4. MCPS Form 335-77B, *Homeless Student Transportation Action Request (HSTAR)*
  5. MCPS Form 560-20, *Elementary Student Withdrawal/ Clearance*
  6. MCPS Form 560-21, *Secondary Student Withdrawal/ Clearance*
  7. School-based Guidelines for Identifying and Enrolling Homeless Students

**Related Sources:**

*Stewart B. McKinney-Vento Homeless Assistance Act*, Subtitle B, amended by the *No Child Left Behind Act of 2001* (P.L. 107-110), Title X, Part C, Subtitle B, Education for Homeless Children and Youth; Title I, Part A of the *Elementary and Secondary Education Act of 1965*, as amended through P.L. 114-95, enacted December 10, 2015; Annotated Code of Maryland, Education Article,

§4-205(c); Code of Maryland Regulations §§13A.02.06,  
13A.05.02.04, 13A.05.02.13, and 13A.05.09

*Regulation History:* New Regulation August 28, 2002; revised September 16, 2003; reviewed May 27, 2010; revised July 8, 2021.