

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

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

Responsible Office: Office of School Support and Improvement

Enrollment of Students Experiencing Homelessness

I. PURPOSE

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

To affirm the expectation in federal law that children and youths experiencing homelessness 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

To identify, enroll, and maintain stable educational environments for students who lack a fixed, regular, and adequate nighttime residence and who are otherwise eligible to attend Montgomery County Public Schools (MCPS) and minimize the effect of mobility on academic achievement whenever feasible

To remove barriers to the identification of children and youths experiencing homelessness and the school enrollment, retention, and school completion of such children and youths, including barriers to enrollment and retention due to outstanding fees, fines, or absences

II. ISSUE

Federal laws set forth the following rights for students experiencing homelessness:

A. The federal *McKinney-Vento Homeless Assistance Act* of 1987 (*McKinney-Vento Act* or MKV) provides the following rights and services to children and youths experiencing homelessness:

1. Immediate school enrollment even when records are not present, including the requirement that unaccompanied homeless youths (defined below) shall not be required to provide proof of guardianship in order to be enrolled immediately.

2. Right to remain in their school of origin (defined below to include the school in which the student was last enrolled).
3. Transportation to and from their school of origin. If an after-school program or extracurricular activity provides transportation to students, students eligible for MKV are also entitled to transportation.
4. Automatic enrollment in the Free and Reduced-price Meals program.
5. Services comparable to those offered to other students in the school, including Title I services, food and nutrition services, or similar state or local services,
6. Access and full participation in all school programs and activities for which they are eligible, including magnet programs, summer school, career and technical education, enriched and accelerated instruction, online learning, and extracurricular activities.
7. Individuals with Disabilities Education Act (IDEA) and English language development programs and services for which they are eligible.

B. *Supporting Services for Unaccompanied Homeless Youths*

1. The MKV seeks to reduce the vulnerability of unaccompanied homeless youth who often face unique barriers to enrolling in school, accessing services for which they are eligible, and succeeding in school. Without a parent/guardian to advocate for them and exercise parental rights, they may be denied enrollment, remain out of school for extended periods, and not graduate from high school on time or at all.
2. Under Part B of the IDEA, public agencies, including schools, 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 who meets all applicable IDEA requirements.

C. *Dispute Resolution: The McKinney-Vento Act* provides parents/guardians and unaccompanied homeless youths with the right to dispute a decision regarding eligibility, enrollment, or school selection, and to demand the student's admittance at the school where they want the student to be enrolled for the duration of the resolution of the dispute.

- D. *Confirming Eligibility*: In the process of determining a student's MKV eligibility, school districts may encounter instances where they believe it may be necessary to take steps to confirm the information provided about a child's or youth's living arrangement. In these cases, districts must ensure that all such efforts are reasonable, grounded in discretion and sensitivity, and in keeping with the mandates of the Family Educational Rights and Privacy Act.

III. DEFINITIONS

- A. *Best-interest Determination (BID)* refers to the process of selecting a school that a student experiencing homelessness will attend. The MKV requires that schools presume that keeping an MKV-eligible student in the student's school of origin is in the student's best interest, except when doing so is contrary to the request of the student's parent/guardian or the unaccompanied homeless youth. A BID meeting is convened when there is a discrepancy between the school where a parent/guardian or eligible student is seeking enrollment and the school that MCPS believes would be in the best interest of the student. See section IV.C.
1. *School of origin* means -
 - a) the school the student attended when permanently housed, or
 - b) the school where the student was last enrolled.
 2. When a student completes the final grade-level served by the school of origin, the *school of origin* includes the designated receiving/feeder school.
 3. *Local attendance area school*, which means the school serving the attendance area corresponding to the address of the student's temporary housing.
- B. *Child/youth* means an individual who is eligible to attend public school or an educational program in Maryland, including—
1. Prekindergarten through Grade 12;
 2. Head Start or Even Start;
 3. Special Education, including the Early Intervention Program for Infants and Toddlers with Disabilities (Child Find); or
 4. Other programs

- C. *A McKinney-Vento Act (MKV)-eligible student* means a child or youth, including a pre-school-aged child, who lacks a fixed, regular, and adequate nighttime residence, whether or not the temporary housing is located in Montgomery County, and who is 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 shelter¹; 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*, meaning a student who is not in the physical custody of a parent/guardian.

¹ A child or youth who is awaiting foster care placement is not considered a homeless child or youth. For more information regarding 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*.

- D. An *MKV liaison* means the person responsible for ensuring that *MKV-eligible students* are identified, enrolled, and provided with all appropriate educational services. The MKV liaison is further responsible for informing MKV-eligible students, parents/guardians, school personnel, service providers, advocates, and community agencies of the liaison's duties and serving as one of their primary contacts. The liaison can be reached at 240- 740-4511, in the International Admissions and Enrollment (IAE) Unit.
- E. *Parent/guardian* means the –
1. parent, individual, or public agency having legal or lawful physical custody of an MKV-eligible student;
 2. person or public agency to whom guardianship of a child or youth has been given by order of a court; or
 3. an unaccompanied homeless student who exercises the rights of a parent.

IV. PROCEDURES

Montgomery County Board of Education policies, MCPS regulations, and related procedures should not be applied to act as a barrier to the enrollment, attendance, or success of children and youths who lack a fixed, regular, and adequate nighttime residence and who are otherwise eligible to attend MCPS.

- A. Immediate Enrollment
1. The McKinney-Vento eligible student shall be enrolled immediately and provided with transportation, as appropriate, to the school where enrollment is sought by the parent/guardian or unaccompanied homeless youth.
 2. If the parent/guardian or unaccompanied homeless youth, when completing MCPS Form 560-24, *New Student Information*, checks the Shared Housing box, the school/designee shall inquire further to determine whether the student lacks a fixed, regular, and adequate nighttime residence.
 3. Even if the parent/guardian or unaccompanied homeless youth is unable to produce the records normally required for enrollment, such as school records, birth certificate, immunization records, and guardianship records, the school must immediately enroll the student and contact the school last attended by the student to obtain relevant academic and other records. The school may not wait for those records to arrive before enrolling the student.

4. If a dispute arises over the enrollment in a school:
 - a) In the case of an unaccompanied homeless youth, the MKV liaison/designee shall ensure that the student is immediately enrolled and provided with transportation to the school sought by the unaccompanied homeless youth, pending resolution of the dispute.
 - b) During the dispute resolution process, including any appeals, the student shall remain enrolled in the school where they sought enrollment and shall be provided with transportation by MCPS.
5. If the MKV-eligible student needs to obtain immunizations or immunization/medical records, the enrolling school immediately shall refer the parent/guardian or unaccompanied homeless youth to the MKV liaison, who shall facilitate obtaining the necessary immunization or immunization/medical records.

B. Eligibility for Rights under the *McKinney-Vento Act*

1. Students currently enrolled in MCPS

If a parent/guardian of an MCPS student indicates that the family lacks a fixed, regular, and adequate nighttime residence, or tries to withdraw the student due to loss of housing, the student should be presumed to be MKV-eligible, subject to further verification.

2. Unaccompanied homeless youth

- a) Registrars and other enrollment staff shall review enrollment forms to identify students who are not in the physical custody of parents/guardians and immediately alert the appropriate counselor and MKV liaison that the student may need support to enroll, understand their educational rights, and access the supports and services for which they are eligible.
- b) The MKV liaison/designee shall assist unaccompanied homeless youths with enrollment, the best-interest-determination meeting, transferring credits, and accessing programs and services. See section IV.G for a complete list of MKV liaison responsibilities.
- c) Counselors must provide advice to unaccompanied homeless youth to prepare and improve their readiness for high school graduation and college and career readiness.

- d) The MKV liaison/designee, school counselors, pupil personnel workers (PPWs), and other MCPS staff tasked with college preparation shall collaborate to provide all homeless high school students with information and individualized counseling regarding college and career readiness, college selection, the application process (including the Federal Application for Financial Student Aid), and the availability of on-campus supports. They shall also assist students to obtain transcripts and diplomas and inform students of their right to receive verification of their status as independent students in order to qualify for federal, state, and other supports, including the *Higher Education Act of 1965*.
4. While a student is presumed to be homeless if identified according to the procedures above, eligibility for rights under the *McKinney-Vento Act* may be overturned on the decision of the director of the IAE, if evidence arises to the contrary. In these cases, MCPS must ensure that all such efforts are reasonable, grounded in discretion and sensitivity, and in keeping with the mandates of the *Family Educational Rights and Privacy Act* (FERPA).
5. Once a determination of MKV eligibility is made, a student remains eligible until the beginning of the subsequent school year (i.e., inclusive of summer term), by which time the student's MKV status must be reviewed to determine continued eligibility.

C. Best-interest Determination

A best-interest determination meeting is convened when there is a discrepancy between the school where a parent/guardian or the youth is seeking to enroll their student and the school that the district believes would be in the best interest of the student. The purpose of the best-interest determination meeting is to review options for addressing the student's best interests consistent with criteria set forth by the National Center for Homeless Education.

MKV eligibility and the determination of the school of enrollment in the best interest of the student are two separate decisions. In all cases, the student shall be enrolled immediately, and any disputes regarding eligibility or school of enrollment shall be resolved subsequently.

1. It shall be presumed that it is in the student's best interest to keep the student enrolled in the school of origin, prekindergarten through Grade 12, unless contrary to the wishes of the student's parent/guardian or the youth, if an unaccompanied homeless youth.

2. If the enrolling school affirms the parent/guardian or unaccompanied homeless youth's request, no further best-interest determination meetings are required. The record of the enrollment conversation shall be sufficient to meet federal requirements for immediate enrollment in the best interest of the student.
3. However, if there is a discrepancy between the school in which a parent/guardian or unaccompanied homeless youth seeks enrollment and the school the district believes would be in the best interest of the student, a formal best-interest determination is convened as follows:
 - a) The student shall be immediately enrolled as set forth in section IV.A above, and
 - b) A best-interest determination meeting must take place at a time and in a reasonable place and manner for the parent/guardian or unaccompanied homeless youth to participate
4. The best-interest determination meeting shall be convened by the principal/designee at the school where the parent/guardian or unaccompanied homeless youth is enrolled.
5. The best-interest determination meeting shall include—
 - a) the parent/guardian or, in the case of an unaccompanied homeless youth, a caregiver who has completed MCPS Form 335-77, *McKinney-Vento Eligibility and Best Interest Determination*;
 - b) the MKV-eligible student, if appropriate;
 - c) the principal/designee;
 - d) the pupil personnel worker (PPW);
 - e) relevant school and central office staff; and
 - f) the MKV liaison or IAE designee
6. When determining what is in 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 received special education services at the school of origin; and
- n) the English language development services received at the school of origin.

7. The existence of a disability may factor into the 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.

8. A school may not segregate a *McKinney-Vento*-eligible student from the mainstream school environment because they are experiencing homelessness, although it may be appropriate to provide additional services in some circumstances.
9. An MKV-eligible student who is living separately from their parent/guardian shall be offered the same school choice options as other MKV-eligible students are offered.
10. As part of the best-interest determination meeting, the parent/guardian or unaccompanied homeless youth shall complete MCPS Form 335-77, *McKinney-Vento Eligibility and Best-Interest Determination*, with school staff. Once a best-interest determination is made regarding school placement, that decision should be reflected on MCPS Form 335-77.
 - a) The parent/guardian or unaccompanied homeless youth should indicate their agreement or disagreement with the school-placement decision.
 - b) If the parent/guardian or unaccompanied homeless youth disagrees with the school placement recommended in the best-interest determination meeting, the principal/designee shall provide a written explanation using MCPS Form 335-77A, *Parent/Guardian/Unaccompanied Homeless Youth Letter*, to the parent/guardian or unaccompanied homeless youth, which shall include a statement regarding the right to seek a review of the decision and access supporting services of an interpreter, the Board ombudsperson, and other advocacy support services. The explanation of the school placement 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 that 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 on and their sources.
- 6) Appropriate timelines to ensure any relevant deadlines are not missed.
- 7) Contact information for the MKV liaison and state coordinator, and a brief description of their roles.

D. Comparable Services

Each MKV-eligible student shall be provided with services comparable to the services offered to other students in the school that the student attends. Such services include the following:

1. Timely arrangement of transportation services, including to the school of origin and to neighboring LEAs, unless the student resides within the walking distance established by the Board of Education.
2. 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, educational English Language Development Programs and Services, Head Start (including Early Head Start), early-intervention services, and any other preschool programs administered by MCPS.
3. Before- and after-school programs.
4. Career and readiness programs.
5. Programs for gifted and talented students.
6. School nutrition programs.

E. Credit and Access to Activities

1. Principals/designees shall see to it that MKV-eligible 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 Well-being. 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 the student's current mastery of courses partly completed in a prior school, awarding partial credits, and offering credit-recovery courses.

2. Fines, fees, and application or enrollment deadlines for school programs and services shall be waived if they prohibit an MKV student from participating fully in their academic program or school-sponsored activities.

F. Records

1. For each MKV-eligible 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.
2. Information regarding an MKV-eligible student's living situation is not considered directory information and must be afforded the same protections as other non-directory information contained in a student's record.

G. MCPS *McKinney-Vento Act* Liaison Responsibilities

1. The MCPS *McKinney-Vento Act* liaison is responsible for —
 - a) ensuring that homeless children and youths are identified by school personnel and are enrolled in and have a full and equal opportunity to succeed in MCPS;
 - b) ordering free or reduced-price meals;
 - c) 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;
 - d) providing support to help address any underlying trauma unaccompanied homeless youths may have faced so that they can be successful in school;

- e) supporting the unaccompanied student during meetings related to the development of an Individualized Education Plan under the IDEA;
- f) expediting school placement decisions;
- g) assisting unaccompanied homeless youths, as set forth in section G below.
- h) identifying homeless children, youth, and families in the community;
- i) coordinating programs and services to prevent duplication of services;
- j) monitoring programs and projects to ensure their compliance with applicable statutory and regulatory requirements;
- k) 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;
- l) 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;
- m) ensuring that the parent or guardian of a homeless child or youth and any unaccompanied homeless 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;
- n) 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*;
- o) coordinating and collaborating with the state coordinator, community agencies, and school personnel responsible for providing education and related programs and services to MKV-

eligible children and youths for which they may be eligible, including ESOL services, Head Start (including Early Head Start), and Child Find;

- p) developing and implementing a program to train school personnel, service providers, advocates, parents/guardians, and students 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
- q) participating in professional development provided by the state homeless education coordinator.

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 MKV 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 a 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 MKV-eligible students directly to the impacted families and those who are assisting families, which may include displaying and distributing posters or brochures on MKV rights in places where people who are displaced may assemble.

I. Review and Appeal Processes

MCPS shall establish an expedited dispute resolution process, in compliance with Code of Maryland Regulations 13A.05.09.07, to address disputes arising regarding services to children and youth experiencing homelessness. During the resolution of the dispute and any appeals, the student must be enrolled and remain (or “stay put”) in the school requested by the parent/guardian or unaccompanied homeless youth and shall be provided with food and nutrition services and transportation, as appropriate, by MCPS.

1. Dispute Resolution
 - a) A dispute arising regarding the implementation of this regulation should be addressed to the director of the IAE.
 - b) Upon receipt of a written complaint from the parent/guardian or unaccompanied homeless youth, the director of the IAE, who is the MKV homeless liaison of record with MSDE,
 - 1) reviews the request and seeks a mutually agreeable resolution, or upholds the prior implementation of the regulation within 5 school days, and
 - 2) provides the parent/guardian or unaccompanied homeless youth with a written explanation of the IAE's determination, including their rights to appeal to the Division of Appeals, which is the superintendent of schools' designee for the resolution of appeals.
 - c) If the parent/guardian or unaccompanied homeless youth is dissatisfied with the resolution, or if the IAE does not issue a determination within 5 school days, the parent/guardian or unaccompanied homeless youth may appeal to the superintendent of schools within 15 calendar days. The parent/guardian or unaccompanied homeless youth may request additional time to appeal from the superintendent of schools/designee, under extenuating circumstances.
2. Appeal to the Superintendent of Schools and the Montgomery County Board of Education (Board)
 - a) Upon receipt of a written complaint from the parent/guardian or unaccompanied homeless youth, the superintendent of schools/designee shall issue a decision within 10 school days.
 - b) If the superintendent of schools/designee does not issue a decision within 10 days, or if the parent/guardian or unaccompanied homeless youth is dissatisfied with the decision, the parent/guardian/ or 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 as set forth in Board Policy BLB, *Rules of Procedure in Appeals and Hearings*.

- c) The Board shall decide the appeal on an expedited basis within 45 days of receipt of the appeal.

3. Appeal to the Maryland State Board of Education (State Board)

- a) If the parent/guardian or unaccompanied homeless youth is dissatisfied with the decision of the Board, the parent/guardian or unaccompanied homeless youth may appeal the decision to the State Board, in writing, within 30 days, pursuant to COMAR 13A.01.05.

J. Additional Resources

The IAE shall maintain, and update regularly, guidance for students, parent/guardians, and staff regarding the identification and enrollment of MKV-eligible students in MCPS, to include answers to frequently asked questions and contact information for key offices. MCPS publications regarding MKV eligibility, student rights, and enrollment procedures include –

1. *Guidelines for Identifying and Enrolling McKinney-Vento-Eligible Students*, which are updated regularly by the IAE, and
2. *MCPS Student Record Keeper Manual*, which is maintained and updated by the Office of Shared Accountability and provides instructions for enrolling MKV-eligible 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; 42 USC §11434A(6); 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

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