

POLICY 5280

EDUCATION FOR HOMELESS CHILDREN AND YOUTH (EHCY)

The Kenosha Unified School District will implement the *McKinney-Vento Homeless Education Assistance Act* (42 U.S.C., ss. 11431-11436, sec. 25) to ensure that homeless individuals and unaccompanied youth (youth not in the physical custody of a parent/guardian) initially residing in the District are provided with equal access to the same educational programs provided to other students, have an opportunity to meet state and district academic achievement standards to which all students are held and are not segregated or discriminated against on the basis of their homeless status. This commitment to the educational rights of homeless children and youth applies to all services, programs and activities provided or made available to other students and youth who reside in the district. .

The McKinney-Vento Homeless Assistance Act defines homeless children and youths as those who lack a fixed, regular, and adequate nighttime residence. The law provides several examples of situations that meet the definition. This includes children and youths:

- sharing housing due to a loss of housing, economic hardship, or a similar reason;
- living in hotels, motels, trailer parks, or camping grounds due to a lack of alternative adequate housing;
- living in emergency or transitional shelters;
- abandoned in hospitals;
- living in a public or private place not designated for, or normally used as, a regular sleeping accommodation for human beings;
- living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar places; and/or
- living in one of the above circumstances and who are migratory.

LEGAL REF.: Wisconsin Statutes

Section 118.13 [Student nondiscrimination]

McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et. seq.) [School placement options for homeless children and youth]

Section 504, Rehabilitation Act of 1973

Individuals with Disabilities Education Act (20 U.S.C. ss1 400 et. seq.)

Title I, Part A of the Elementary and Secondary Education Act (20 U.S.C. ss6311-64515)

Title IX, Education Amendment of 1972

Title VI, Civil Rights Act of 1964

Civil Rights Act of 1991

CROSS REF.: 3280 Student Fees

3511 Transportation

3520 School Nutrition Programs

5110.1 Student Equal Opportunity and Non-Discrimination in Education

5200 School Admissions

5250 Emancipated Minors

5310 Student Attendance

5320 School Attendance Areas
5330 Assignment of Students to Schools
5532 Immunizations

ADMINISTRATIVE REGULATIONS: None

AFFIRMED: May 25, 2004
REVISED: October 22, 2013
September 27, 2022

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RIGHTS AND SERVICES PROVIDED TO HOMELESS STUDENTS

All homeless students have a right to:

- A. Immediate public school enrollment. A public school must immediately enroll students even if they lack health, immunization, or school records, proof of guardianship, or proof of residency;
 1. enrollment in:
 - a. the school they attended when permanently housed (school of origin);
 - b. the school in which he/she was last enrolled (school of origin);
 - c. any public school that non-homeless students living in the same attendance area are eligible to attend.
- B. Continued enrollment under the McKinney-Vento Act, in the chosen school, even if the student becomes permanently housed or until the end of the academic year;
- C. Priority enrollment in certain preschools and other school programs;
- D. Transportation to and from the public school of origin for the duration of homelessness, including preschool children who attend programs that provide transportation to non-homeless children;
- E. Removal of barriers to accessing academic and extracurricular activities such as:
 1. Free breakfast and lunch;
 2. School supplies provided if needed;
 3. Participation in all school-related activities such as, tutoring/instructional support, athletics, etc;
 4. School fee waivers, free uniforms;
 5. Referrals to low-cost or free medical and mental health services;
 6. Rights and protections specifically for unaccompanied youth (youth who are not in the physical custody of a parent or guardian) who are experiencing homelessness, including allowing them to be immediately enrolled without proof of guardianship.
- F. Assistance with the dispute-resolution process if a dispute arises over eligibility, school selection or enrollment in a school. The district liaison will provide the forms for an appeal. The student has the right to attend the school of choice until the dispute is resolved.

KUSD MCKINNEY-VENTO DISPUTE PROCESS

Dispute Process: A homeless child or youth has the right to remain at his or her school of origin (public school that the child or youth attended when permanently housed or to attend the public school that other students who live in the attendance area of where the student is temporarily living.

When a dispute arises over school placement, the McKinney-Vento Liaison will provide the parent or guardian with a dispute form. The dispute form can also be requested from the McKinney-Vento Liaison at any time. Once the dispute form has been completed by the parent or guardian, the Liaison will submit the dispute form to the Director of Title Programs for review. Within three days, the Director of Title Programs, along with School Leadership, will review the form and make the final determination and send the disputant a copy of the Written Notification of Dispute Resolution form.

If necessary, a Best Interest Determination (BID) will be conducted to assist in determining placement of the student. The BID is to be conducted as quickly as possible (within 3 days). The District utilizes a form

RULE 5280
EDUCATION FOR HOMELESS CHILDREN AND YOUTH (EHCY)
Page 2

provided by the Wisconsin Department of Public Education (DPI) which considers all factors, including the appropriateness of the current educational setting and proximity to the students' residence.

The following can be invited to participate in the Best Interest Determination:

- Student
- Parent or guardian
- School representative from school of origin
- Principals, teachers, counselors
- Other members of the students team (IEP,,etc)

Once the BID is completed, all parties discuss the determination and choose the placement that's in the best interests of the student. The student has the right to attend the school of choice until the dispute is resolved.

The parent/guardian will be informed of their right to appeal the district's decision to the Office of Coordinator for Education of Homeless Children and Youths in the Wisconsin Department of Public Instruction.

The Wisconsin Department of Public Instruction provides current information on each of the federal requirements under the McKinney Vento Homeless Education Act (EHCY). The link to the EHCY homepage is <https://dpi.wi.gov/homeless>.