



## **Education of McKinney-Vento Students**

Students experiencing homelessness within the Charter Institute at Erskine's schools will have access to the education and other services needed to ensure that an opportunity is available to meet the same academic achievement standards to which all students are held. Schools must immediately enroll the student, even if the child or youth lacks records normally required for enrollment. However, the schools must not exceed their enrollment cap as outlined in the school's board approved charter.

Transportation is not required of charter schools. However, if it is determined in a Best Interest Determination (BID) meeting for the student to remain at the school of origin and transportation is a barrier to attending, then transportation should be provided to the student.

A liaison for students experiencing homelessness will be designated by the Institute and by individual schools to carry out duties as required by law. Annually, the school and Institute liaisons will participate in professional development and ensure that school personnel receive professional development and other support to assist with identification.

The Institute will ensure that students experiencing homelessness are not stigmatized nor segregated on the basis of their status as homeless.

An unaccompanied youth or the parent/legal guardian of a student experiencing homelessness may request a State-level review of the Institute's final decision regarding an enrollment dispute. Under no circumstances will the resolution of a dispute delay the enrollment of said student.

The Institute nor the Institute's schools will deny any admission to any student on the basis of race, religion, color, creed, sex, sexual orientation, immigrant status or English-speaking status, national origin, or disabling condition.

### **Legal References:**

United States Code of Laws, as amended:

Every Student Succeeds Act, Pub. L. No. 114–95, 129 Stat. 1802. McKinney-Vento Homeless Assistance Act, 42 U.S.C.A. Section 11431, et seq.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, et seq.

Title II of the Americans with Disabilities Act, 42 U.S.C.A. 12132.

Title IV of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000c, et seq. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d, et seq. Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, et seq.

S.C. Code of Laws, 1976, as amended:

Section 59-1-435 - Religious Viewpoints Antidiscrimination Act.

Section 59-63-40 - Discrimination on account of race, creed, color, or national origin prohibited.

Section 63-1-45 – Homeless Youth Definitions

Federal Cases:

Parents Involved in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007).

Plyler v. Doe, 457 U.S. 202 (1982).

S.C. State Board of Education Regulations: R43-272.2 - Review process for homeless children and unaccompanied youth.

## Definitions

*Enrollment* - attending classes and participating fully in school activities to include extra curricular activities that are sponsored by the school

*School of origin* - the school that the student attended when permanently housed or the school where last enrolled

*Homeless student* - individual who lack a fixed, regular and adequate nighttime residence and includes the following

- Students who are sharing the housing of others due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals or are awaiting foster placement.
- Students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.
- Migratory students who qualify as homeless because the students are living in circumstances described above.

*Unaccompanied youth* - includes a student not in the physical custody of a parent/legal guardian and is also experiencing homelessness.

## Enrollment Disputes

If a dispute arises over enrollment, the student will be immediately admitted to the school requested pending resolution of the dispute.

The parent/legal guardian of the student will be provided with a written explanation of the school's decision regarding enrollment, including the rights of the parent/legal guardian or unaccompanied youth to appeal the decision through the Institute's dispute resolution process.

The student or parent/legal guardian will be referred to the Institute's liaison, who will ensure the resolution process is carried out as expeditiously as possible. During the pendency of any administrative or judicial proceeding regarding an enrollment dispute, the student must continuously be enrolled in school, be provided all relevant services, and be allowed to participate fully in all school activities.

When it is determined that a dispute cannot be settled at the Institute level, the Institute will do the following in a timely manner:

- Inform the unaccompanied youth or parent/guardian of a homeless student of his/her right to request a South Carolina State Department of Education (SCDE) review of the

Institute's decision. Give the individual the SCDE's McKinney-Vento state coordinator's contact information

- Inform the individual that he/she may seek the assistance of advocates or attorneys for the review.

## **Comparable Services**

Each student experiencing homelessness shall be provided services comparable to services offered to other students, including the following.

- Transportation to the school of origin
- Education services for which the student is eligible, such as the following:
  - Title I
  - Special Education
  - Programs for students with limited English proficiency
  - Professional technical programs
  - Gifted and talented programs
  - School nutrition programs, as applicable
- Examples of services for virtual schools: laptop computer, computer paper, ink, increased flexibility in teacher availability for support, phone cards to contact teacher and/or administration, pre-paid postage for any mailings necessary for the school.

## **School Liaisons**

The school designated McKinney-Vento liaison will ensure the following:

- Homeless students are identified.
- Homeless students enroll in and have a full and equal opportunity to succeed in school.
- Homeless families and students receive educational services for which they are eligible as well as referrals to healthcare services, dental services, mental health services, and other appropriate services.
- The parent/legal guardian of a homeless student is informed of the educational and related opportunities available to the student and is provided with meaningful opportunities to participate in the education of his/her child.
- Public notice of the educational rights of homeless students is distributed where such students receive services (e.g., schools, family shelters and soup kitchens). Enrollment disputes are mediated.
- The parent/legal guardian of a homeless student or any unaccompanied student is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school selected.
- School personnel, service providers, and advocates working with homeless students and their families are informed of the liaison's duties.
- The School's liaison will coordinate and collaborate with the Institute's liaison, state coordinator, community and school personnel responsible for the provision of education and related services to homeless students.

## **Records**

Any records ordinarily maintained by Institute schools including immunization or medical records, academic records, birth certificates, guardianship records and evaluations for special services or programs will be maintained so that the records are available in a timely fashion, when a student experiencing homelessness enters a new school or district, consistent with state and federal law. Records of students experiencing homelessness will be transferred in a secure, confidential manner to those with an educational need.

## **Dispute Resolution Process**

Every effort must be made to resolve the dispute at the school level before it is brought to the Institute. Under no circumstances must resolution of a dispute delay the school enrollment of an unaccompanied youth or a homeless child. That is, during the pendency of any administrative or judicial proceeding regarding a dispute over the enrollment of an unaccompanied youth or homeless child, the student must continuously be enrolled in school, be provided all relevant services, and be allowed to participate fully in all school activities (as consistent with the McKinney-Vento Homeless Assistance Act, as amended).

### **Level I Appeal: Responsibilities of the School**

When it is determined that a dispute cannot be settled at the school level, the school must carry out the following responsibilities in a timely manner.

- Inform the unaccompanied youth or the parent/guardian of the homeless child concerning his/her right to request that the Charter Institute at Erskine review the decision of the school.
- Inform the unaccompanied youth or the parent/guardian of the homeless child that this request must be made in writing within fifteen (15) business days to the Institute's McKinney-Vento Liaison with the school level McKinney-Vento Liaison copied.
- Give the unaccompanied youth or the parent/guardian of the homeless child a copy of the Written Appeal of Enrollment Decision form and the contact information for the Charter institute at Erskine's McKinney-Vento Liaison.
- Inform the unaccompanied youth or the parent/guardian of the homeless child that he/she may seek the assistance of advocates or attorneys for the review.

Once the Charter Institute at Erskine's McKinney-Vento Liaison has received the written form and conducted a review of all submitted written documents and gathered further information, the Institute Liaison will send a copy of the completed form and a written decision to the school and unaccompanied youth or the parent/guardian within five (5) business days.

## **Responsibilities of the Youth or the Parent/Guardian**

The unaccompanied youth or the parent/guardian of the homeless child must complete and return the Written Appeal of Enrollment Decision form to the Institute's McKinney-Vento Liaison.

The youth or the parent/guardian either may attach to the form any additional information he/she thinks is relevant or may call the Institute's McKinney-Vento Liaison and provide the information orally.

### **Level II Appeal: Responsibilities of the Charter Institute at Erskine**

When it is determined that a dispute cannot be settled at the Institute level, the Institute must carry out the following responsibilities in a timely manner.

- Inform the unaccompanied youth or the parent/guardian of the homeless child concerning his/her right to request that the State Department of Education review the decision of the Institute.
- Inform the unaccompanied youth or the parent/guardian of the homeless child that this request must be made either on the Written Appeal of Enrollment Decision form or by a telephone interview with the coordinator in the State Department of Education's Office of Coordinator for Education of Homeless Children and Youth (1-888-565-7261).
- Give the unaccompanied youth or the parent/guardian of the homeless child a copy of the State Department of Education's request-for-review form and the contact information for the Office of Coordinator for Education of Homeless Children and Youth.
- Inform the unaccompanied youth or the parent/guardian of the homeless child that he/she may seek the assistance of advocates or attorneys for the review.

Once the Office of Coordinator for Education of Homeless Children and Youth has received either the completed Written Appeal of Enrollment Decision form or has conducted a full telephone interview with the youth or the parent/guardian, the coordinator will send a copy of the completed form and any other relevant material to the Institute.

The Institute must send a written response to the State and to the person filing the State review request within five business days from the date it receives the request-for-review form.

### **Responsibilities of the Youth or the Parent/Guardian**

The unaccompanied youth or the parent/guardian of the homeless child must complete and return the [Written Appeal of Enrollment Decision form](#) (page 2) to the address designated on the form or must telephone the State Department of Education Coordinator in the Office of Coordinator for Education of Homeless Children and Youth and make an oral report on the circumstances surrounding the request for review (1-888- 565-7261).

The youth or the parent/guardian either may attach to the form any additional information he/she thinks is relevant or may telephone the coordinator and provide the information orally.

### **Responsibilities of the State Department of Education Coordinator**

The coordinator will conduct all State reviews requested by unaccompanied youths or the parents/guardians of the homeless children.

The coordinator will review all written documents submitted concerning the particular dispute. The coordinator may request additional information from the parties in making his/her determination.

The coordinator will make a final decision within ten (10) business days of receiving the written response from the Institute. The decision of the coordinator is binding and will be effective immediately.