

(Revised 01-15-2020)

Homeless Education and Assistance Policy and Dispute Resolution Procedures

Purpose: *This policy has been developed to ensure that Raíces serves the needs of the children that suffer from the consequences of homelessness in the Las Cruces Area. It is based on compliance with the federal McKinney Vento Education for Homeless Children and Youth Act and the NM Educational Stability Guidelines for Students Experiencing Homelessness as revised in 2017 to comply with the McKinney Vento Act.*

Policy: Raíces del Saber Xinachtli Community School will fully support the educational needs of children experiencing homeless who are enrolled in our school. The School will support the provisions for homeless children as specified under the Every Child Succeeds Act (ESSA) [42 U.S.C. § 11432(g) (3) (E)], the NM Statutes Annotated (Section 22-12-10(A)(1) NMSA 1978) and the New Mexico Code (NMAC 6.10.3.8-10). We will address the challenges that children and youth experiencing homelessness have faced in enrolling, attending, and succeeding in school. Following are definitions of relevance to this policy and ten categories of school stability provisions that must be offered to children experiencing homelessness.

Relevant Definitions

“Student who has experienced disruptions in the student’s education” means a student who experiences one or more changes in school or school district during a single school year as a result of homelessness as defined in the federal McKinney Vento Homeless Assistance Act and as determined by the school [Section 22-12-10(A)(1) NMSA 1978.]

“Homeless Children and Youth” - the McKinney Vento Act defines homeless children and youth as individuals who lack a fixed, regular, and adequate nighttime residence. The term includes

- Children and youth who are:
 - ✓ sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as “doubled-up”);
 - ✓ are living in motels, hotels, trailer parks; or camping grounds due to the lack of alternative adequate accommodations;
 - ✓ are living in emergency or transitional shelters; or
 - ✓ are abandoned in hospitals.
- Children and youth 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;
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory Children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described above.

ESSA and NMSA Stability Provisions Required by McKinney Vento Act and the NM PED

1. *Immediate Enrollment of Student Experiencing Homelessness in School of Their Choice* - Children or youth experiencing homelessness must be immediately enrolled in the school in which enrollment is sought, whether it be the school of origin, or the school in the attendance area, regardless if they are missing school records, proof of residency, immunization and other health

records, lack of a parent or legal guardian or have unpaid fees. Immediate enrollment includes attending classes and participating fully in school activities, including extracurricular activities. Students experiencing homelessness are to be directly certified for free school meals for the entire school year. If a dispute arises over school selection or enrollment in Raíces, the child or youth shall be immediately admitted to our school if enrollment is sought, pending resolution of the dispute and must be immediately referred to the McKinney Vento Homelessness Liaison. In the case of an unaccompanied youth, the Homelessness Liaison shall ensure that the youth is immediately enrolled in school, even if there is a pending resolution of dispute. The dispute resolution process is described in detail in the Raíces's *Homelessness Youth Complaint and Rights Policy and Procedures*.

Parents, guardians, advocates, or unaccompanied students experiencing homelessness will fill out the same enrollment package forms as required for all other students, with the understanding that the parent, guardian, advocate or unaccompanied student may not have all the needed information initially as discussed in the stability provisions below. The Raíces School Homelessness Liaison will assist in the acquisition of as much of the information as possible, as soon as possible, and the student can immediately begin attending school.

2. *School Selection and Best Interest* - To ensure the stability of students experiencing homelessness, Raíces must make school placement decisions on the basis of the “best interest” of the student based on student-centered factors. (Section 722(g)(3)(B)). Using this standard, Raíces must:
 - Continue the student’s education for the duration of the homelessness when a family becomes homeless between academic years or during an academic year, and for the remainder of the academic year even if the student becomes permanently housed; or
 - Help enroll the student in any public school that non-homeless students who live in the attendance area in which the student is actually living are eligible to attend. (Section 722(g)(3)(A))

When determining the student experiencing homelessness best interest, Raíces must consider the following factors:

- Request of the student’s parent or guardian or unaccompanied youth
 - Impact of the mobility on student achievement
 - Education
 - Health
 - Safety
 - Placement of siblings
1. *Participation and Removal of Barriers* - Raíces has an obligation to remove barriers to enrollment and retention of the student experiencing homelessness. (See sections 721(2), 722(g)(1)(I)). A school selected on the basis of the student’s best interest must enroll the student immediately even if the student is unable to produce the records normally required for enrollment (such as previous academic records, records of immunization and other health-related records, proof of residency, proof of guardianship, birth certificates of other

documents), has missed application or enrollment deadlines during the period of homelessness, or has outstanding fees.

2. *School Records, Vaccinations and Immunizations* - Pursuant to the McKinney Vento Homeless Assistance Act (42 USC § 11432(g)(3)(C)), children experiencing homelessness must be able to enroll in school immediately, even if they are unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. In accordance with 7.5.3.10 of the NMAC, if the child needs to obtain immunizations, or medical or immunization records, Raíces must immediately refer the parent or guardian of the child or youth to the designated Raíces McKinney Vento Homelessness Liaison, who must assist in obtaining necessary immunizations, or immunization and medical records.
3. *Transfer of Records* - When students who have experienced disruption in their education, including children and youth experiencing homelessness, transfer to our school, the McKinney Vento Homelessness Liaison shall communicate with the sending school within two days of the student's enrollment. The sending school or school district shall provide the Raíces with any records within two days of having received Raíces's communication. 22-12-10(B) NMSA, 1978.
4. *Remedial Programs* - Indigent identification and guidelines, Section N of 6.29.1.9 of the NMAC
 - (1) A student who has been deemed eligible for free or reduced-price school meals, or a student who has been identified by the children, youth and families department as being in the custody of the state, shall be deemed indigent for the purposes of remediation programs and damage of instructional materials, as discussed in Sections 22-2C-6 and 22-15-10 NMSA 1978.
 - (2) A parent or guardian of a student who has not applied for free or reduced-price school meal shall be notified in writing by the Raíces Governance Board of the availability of remediation at no charge upon an eligibility determination for free or reduced-price school meals. This includes students experiencing homelessness since the students are categorically eligible for free school meals.
5. *Transportation* - Raíces must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or, in the case of an unaccompanied youth), to and from school in accordance with the following requirements:
 - If the child or youth continues to live in the area served by Raíces in which the school of origin is located, that local education agency (Las Cruces Public Schools- LCPS) must provide or arrange for the child's transportation to or from the school of origin to Raíces. (Section 722(g)(1)(J)(iii)(I)). Transportation must be arranged promptly to ensure immediate enrollment and so as not to create barriers to students experiencing homelessness attendance, retention, and success. (Sections 721(2), 722(g)(1)(I)).
 - Under federal law if the child continues his or her education in the school of origin but begins living in an area served by Raíces, the LCPS School of origin and Raíces in which the child experiencing homelessness is living must agree upon a method to apportion

the responsibility and costs for providing the child with transportation to and from the school of origin. Although Raíces is a public charter school, it does not have a specific area which it is assigned to serve. It is open to any student in Doña Ana County. If the child remains in the LCPS School of origin, LCPS will already have a plan to provide transportation. (Section 722(g)(1)(J)(iii)(II)).

6. *Direct Certification for Free School Meals* - Students experiencing homelessness are categorically eligible for free meals as part of the United States Department of Agriculture's (USDA's) Community Eligibility Provision (CEP). When a student experiencing homelessness enrolls in Raíces, the school's principal or designee (McKinney Vento Homelessness Liaison) shall notify the school food authority (SFA) director within one school day. The SFA director will directly certify the student for free school meals. The SFA director will notify the Raíces's Student Teacher Accountability Reporting System (STARS) coordinator to update the student's demographics and enter them as categorically eligible
7. *Process for Resolving Disputes* - If the Raíces Principal for any reason should decide that the student is not eligible to attend Raíces as a child experiencing homelessness, the student must be enrolled immediately and the parent/guardian, representative or unaccompanied child will be assisted by the McKinney Vento Homelessness Liaison to begin a dispute/complaint process, which can be resolved by moving through three levels of the complaint process: Level 1 - an informal resolution at the school level; Level 2 - if that decision is adverse to the student, it can be taken to the School Governance Board; or Level 3 - if that appeal is resolved in a way adverse to the student, it can be appealed at the state level with the State Coordinator of Education for Homeless Children and Youth (ECHY). [See Raíces Homeless Youth Complaint Policy, Procedures, and Notice of Rights which provides detailed information on procedures to appeal a dispute at all three levels of recourse on pages 6-12.]
8. *Notice of Parental/Guardian and Student Rights* - Parents, Guardians, and those individuals or organizations who represent children and youth experiencing homelessness, must be informed in writing of the student's rights with regard to the following: Immediate enrollment and eligibility, school selection in best interest of the student, full participation in school activities and removal of barriers to success, school enrollment without records of vaccinations, immunizations, and academic records, assistance with arrangements for transfer of records, access to remedial programs, transportation, direct certification for free meals, and the process for dispute resolution [See page 7].

Refer to Raíces *Homeless Youth Complaint Policy, Procedures, and Notice of Rights* for detailed information on the procedures for notifying the parents, guardians and students of children experiencing homelessness of their rights.

Procedures for Enrolling Children Experiencing Homelessness

1. When parents/guardians, individual or organizational representatives, or unaccompanied youth who are experiencing homeless come to the school to enroll a student, they will be directed to the office manager.

2. The office manager will collect the following information on an initial intake form:
 - Student name, age, birthdate and most recent school attended;
 - contact information for the parent/guardian, or representative who is bringing the child to enroll; and
 - Information about any problems they may be having in getting the student enrolled in school.
3. The office manager will provide the parent/guardian, representative or student with a written notice of the student's rights and information on who to contact if there is a dispute regarding the provision of services to the student.
4. If it becomes apparent through the process of filling out enrollment information that a student is experiencing homelessness, the Office manager will set up an appointment with the McKinney Vento Homeless Liaison within the day. The Liaison will ensure that all ten stability provisions enumerated in this policy are carried out on behalf of the student and that the parent/guardian, student or student's representative are assisted with any disputes for which they want to file an appeal.

See page 6 for an additional intake form that will be filled out by the McKinney Vento Liaison once the enrollment package has been provided by the office manager and it is known that the student is experiencing homelessness. *This will be filled out to ensure the school is providing all information due the parent, guardian, advocate or unaccompanied student and that any concerns are being addressed immediately.*

See page 7 and 8 for information that will be supplied to the parent/guardian, representative or unaccompanied student about student rights and assistance with a dispute process if a qualified homelessness student is not receiving all services that are to be provided by law.

Initial Form for Registering a Grievance for Student Experiencing Homelessness

Student Information:

Name: _____

Age: _____

Birthdate: _____

School student was most recently enrolled in:

Student Parent/guardian, or Representative Contact Information:

Check the Appropriate Box

Parent Guardian Representative/Advocate

If representative, please state organizational affiliation:

Name: _____

Phone: _____

Email or Address: _____

In what ways have you experienced any problems with the enrollment process or needed services?

What are your concerns at the moment?

Please check the box if you were given a copy of the parent/guardian, student rights.

Please check the box if the you were given written information for contact persons to assist you in resolving a dispute.

Signature of parent/guardian, representative, or unaccompanied child

Date: _____

Statement of Student Rights for Students Experiencing Homelessness

These rights below are guaranteed in public schools at the local level by the New Mexico Department of Education (NM PED) in compliance with the federal McKinney-Vento Homeless Assistance Act.

As a parent or guardian of a child who qualifies as a homeless student, you have the following rights with regard to educational services and the resolution of a dispute if Raíces has refused to enroll your child or an unaccompanied child or not provided all the educational services guaranteed to the student:

Rights of Students Who Meet the Definition of Experiencing Homelessness:

- Right of the child to be enrolled immediately in Raíces even while the resolution of a dispute is being investigated;
- Right to school selection that is in the best interest of the student;
- Right to full participation on school activities and assistance in removing barriers;
- Right to school enrollment immediately even if academic records and records of vaccinations are not available;
- Right to assistance in the transfer of records;
- Right to immediate enrollment of the student includes receiving adequate and appropriate transportation (Raíces will not have transportation for any students the first year of operation, but under the McKinney-Vento Act regulations should be able to arrange transportation through the Las Cruces Public School District for your child who is experiencing homelessness during the school's first year of operation);
- Right to participate in remediation programs
- Right to immediate access to free school meals
- Right to file a complaint, raise a complaint issue, or file an appeal.
- Right to provide written or oral documentation to support your position.
- Right to translators, interpreters, or other support services to help with the dispute process, which will be made available without charge.
- Right to provision of timelines for resolving local and state-level appeals to resolve disputes:

Ask the office manager at Raíces to supply the handout with the contact information for the Raíces McKinney Vento Liaison, the Principal, the Governance Board, and the Public Education Department's State Coordinator of Education for Homeless Children and Youth. This handout describes the role of these persons at the local and state level in assisting you in the complaint/dispute process. The office manager can also provide you with a full description of the dispute process. If you file a dispute, the McKinney Vento Liaison will assist you in the process.

Information on Key Persons to Assist You in the Dispute Process

Level 1: School Level of Appeal

Step 1:

Raíces Certified McKinney Vento Liaison

Phone: 575-522-0539, Office Manager will give you the direct contact information

Office: Raíces del Saber Xinachtli Community School

2211 North Valley Drive, Las Cruces, NM

Role: This liaison will ask you to explain your complaint or dispute and assist you in filling out the form to ask for an informal hearing so that the school might change its position on serving the needs of your child or you (in the case of an unaccompanied student). The Liaison will discuss your complaint with the school Principal and may also arrange an interview with the principal if you so desire.

Step 2:

The Principal will make a decision about your complaint or dispute and provide you with a written decision about your complaint within 48 hours of the filing of your complaint that explains why that decision was made. If this decision does not satisfy you, the Liaison will assist you in appealing your case to the Raíces Governance Board Chair.

Level 2: Governance Board Level of Appeal

Governance Board Chair

McKinney-Vinto Liaison will give you the contact information

Address: Raíces del Saber Xinachtli Community School, 2211 North Valley Drive, Las Cruces, NM

Role: The Governance Board Chair will refer your grievance to the Raíces School Governance Board to review the decision of the Homelessness School Liaison and the Principal and then make their own decision regarding the complaint within 31 days. If the Board decision does not satisfy you, the McKinney Vento Liaison will assist you within 24 hours in filing a complaint for a next level of appeal to the NM Public Education Department School Coordinator for Homeless Children and Youth.

Level 3: State Level of Appeal

PED State Coordinator of Education for Homeless Children and Youth

Phone: 505-827-1810

Address:

New Mexico Public Education Department

Student Success and Wellness Bureau

McKinney Vento State Director

120 South Federal Place, Room 206

Santa Fe, NM 87501

(See page 9 for Role of the State Coordinator)

Role: The Coordinator at the State level of the dispute appeals process will ensure that your dispute filings at the state level are carefully and lawfully reviewed and that the response to the filing ensures that parents, guardians and students, who qualify under the McKinney Vento Act as homeless, receive all education services to which they are entitled. The Coordinator will review all the data and information that her staff compiles about your filing and see that the final decisions in a dispute appeal at the state level are justified and correct. The Coordinator's office will inform the school Principal about any corrective action that the school must take to fully serve the child whether the case is filed by a parent, guardian, advocate for the student, or an unaccompanied student. See a copy of the dispute form on pages 10-12. The McKinney Vento Liaison will help you download the most current version of this form from the website of the NMPED Student Success and Wellness Bureau.

d. Phone number(s):

Home _____ Work _____

Cell _____ Email: _____

III. Student Information

If the dispute is regarding a student experiencing homelessness or unaccompanied youth, please provide the following information:

a. Student's Full Name: _____

b. Student's Date of Birth: _____

c. Student's Address (or available contact information):

d. School Student Currently Attends: _____

IV. Representative Information (optional)

a. Are you using another personnel to assist you in resolving this dispute:

Attorney _____ Other Representative _____

b. If using any of the above, please identify:

Name: _____ Title: _____

Address: _____

Phone number(s):

Work _____

Cell _____ Fax _____

V. Details Concerning the Dispute:

a. Is this dispute in reference to:

- _____ Eligibility
- _____ School Selection
- _____ Enrollment in school of origin
- _____ Transportation
- _____ Other

b. Which school, school district, department, agency or consortium of agencies is the dispute with?

c. Please describe the dispute with the school district or state charter. (Who? What? Where? Why?) *Attach any documents that support your position.*

VI. Efforts Made to Resolve the Dispute

Outcome of efforts made at the local level to resolve the dispute: Describe the attempts that have been made by the District/Charter School to resolve the dispute. Attach documentation including meeting minutes, emails, phone calls, etc.

VII. Proposed Resolution

Describe a proposed resolution(s) to the dispute to the extent known:

VIII. Signature and Date:

Signature of Party or Designated Representative

Date