



SIX DIRECTIONS INDIGENOUS SCHOOL

McKinney-Vento Act Policy and Procedures

I. Definitions

- A. "Children and youth in transition" means children and youth who are otherwise legally entitled to or eligible for a free public education, including preschool, and who lack a fixed, regular, and adequate nighttime residence, including the below. A child or youth will be considered to be in transition for as long as he or she is in a living situation described above.
1. Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, campgrounds, or trailer parks due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.
 2. Children and youth who have a primary nighttime residence that is a private or public place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
 3. Children and youth who are living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.
 4. Migratory children and youth who are living in a situation described above.
- B. "Unaccompanied youth" means a youth not in the physical custody of a parent or guardian, who is in transition as defined above. The more general term youth also includes unaccompanied youth.
- C. "Enroll" and "Enrollment" mean attending school and the ability to participate fully in all school activities.
- D. "Immediate" means without delay.
- E. "Parent" means a person having legal or physical custody of a child or youth.
- F. "Local liaison" or "Homeless liaison" is the staff person designated by the school responsible for carrying out the duties assigned to the local homeless education liaison by the McKinney-Vento Homeless Assistance Act.
- G. "Applicable program" means any of the following Elementary and Secondary Education Act (20 U.S.C. 2701 et. seq.) programs:
1. Part A of Title I (Improving Basic Programs Operated by Local Educational Agencies);
 2. Part B of Title I (Student Reading Skills Improvement Grants);
 3. Part C of Title I (Education of Migratory Children);
 4. Part D of Title I (Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk);

5. Title II (Preparing, Training, and Recruiting High Quality Teachers and Principals);
 6. Language Instruction for Limited English Proficient and Immigrant Students;
 7. Title IV (21st Century Schools (other than Subpart 2 of Part A, National Programs));
 8. Title V (Promoting Informed Parental Choice and Innovative Programs) (other than Subpart 8 and Subpart 12); and
 9. Part A of Title VII (Indian, Native Hawaiian, and Alaska Native Education).
- H. "Covered program" means a federal program not defined as an applicable program for which the state educational agency is required to provide a complaint procedure and for which a complaint procedure is not otherwise provided by public education department rule.
- I. "Department" means the public education department.
- J. "Homeless children and youth" means individuals who lack a fixed, regular, and adequate nighttime residence, which includes:
1. Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; 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; are abandoned in hospitals; or are awaiting foster care placement;
 2. 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;
 3. Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 4. Migratory children (as such term is defined in Section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in Paragraphs (1) through (3) of this subsection.
- K. "School of origin" means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.
- L. "Title IX" means Title IX of the Education Amendments of 1972, codified as 20 US Code Sections 1681 et seq, which provides in part that, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

II. Identification

In collaboration with school personnel and community organizations, the Six Directions Indigenous School (SDIS) local liaison will identify children and youth in transition in at SDIS, both in and out of school. The local liaison will train school personnel on possible indicators of homelessness, sensitivity in identifying families and youth as in transition, and procedures for forwarding information indicating homelessness to the local liaison. The local liaison will also instruct school registrars and secretaries to inquire about possible homelessness upon the enrollment and withdrawal of every student and to

forward information indicating homelessness to the local liaison. Community partners in identification may include the following: family and youth shelters, soup kitchens, motels, campgrounds, drop-in centers, welfare departments and other social service agencies, street outreach teams, faith-based organizations, truancy and attendance officers, local homeless coalitions, and legal services. The local liaison will keep data on the number of children and youth in transition in the district; where they are living; their academic achievement (including performance on state- and districtwide assessments); and the reasons for any enrollment delays, interruptions in their education, or school transfers.

III. **School Selection**

Each child and youth in transition has the right to remain at his or her school of origin or to attend any school that housed students who live in the attendance area in which the child or youth is actually living are eligible to attend. Maintaining a student in his or her school of origin is important for both the student and the school. Students who change schools have been found to have lower test scores and overall academic performance than peers who do not change schools. High mobility rates also have been shown to lower test scores for stable students. Keeping students in their schools of origin enhances their academic and social growth, while permitting our schools to benefit from the increased test scores and achievement shown to result from student continuity. Therefore, in selecting a school, children and youth in transition will remain at their schools of origin to the extent feasible, unless that is against the parent or youth's wishes. Students may remain at their schools of origin the entire time they are in transition and until the end of any academic year in which they become permanently housed. The same applies if a child or youth loses his or her housing between academic years.

Feasibility will be a child-centered determination, based on the needs and interests of the particular student and the parent or youth's wishes. Potential feasibility considerations include:

- The age of the child or youth
- The distance of a commute and the impact it may have on the student's education
- Personal safety issues
- A student's need for special instruction (e.g., special education and related services)
- The length of anticipated stay in a temporary shelter or other temporary location
- The time remaining in the school year

Services that are required to be provided, including transportation to and from the school of origin (see next page) and services under federal and other programs, will not be considered in determining feasibility. Enrollment Consistent, uninterrupted education is vital for academic achievement. Due to the realities of homelessness and mobility, students in transition may not have school enrollment documents available readily. Nonetheless, the school selected for enrollment must enroll any child or youth in

transition immediately. Enrollment may not be denied or delayed due to the lack of any document normally required for enrollment, including:

- Proof of residency
- Transcripts/school records (The enrolling school must contact the student's previous school to obtain school records. Initial placement of students whose records are not immediately available can be made based on the student's age and information gathered from the student, parent, and previous schools or teachers.)
- Immunizations or immunization/health/medical/physical records (If necessary, the school must refer students to the local liaison to assist with obtaining immunizations and/or immunization and other medical records. Health records may often be obtained from previous schools or state registries, and school- or community-based clinics can initiate immunizations when needed.)
- Proof of guardianship
- Birth certificate
- Any other document requirements
- Unpaid school fees
- Lack of uniforms or clothing that conforms to dress codes
- Any factor related to the student's living situation Unaccompanied youth must also be enrolled immediately in school. They may either enroll themselves or be enrolled by a parent, non-parent caretaker, older sibling, or local liaison.

IV. Transportation

Without appropriate transportation, a student may not be able to continue attending his or her school of origin. To avoid such forced school transfers, at a parent's request, transportation will be provided to and from the school of origin for a child or youth in transition. Transportation will be provided for the entire time the child or youth has a right to attend that school, as defined above, including during pending disputes. The local liaison will request transportation to and from the school of origin for unaccompanied youth. The length of the commute will be considered only in determining the feasibility of placement in the school of origin based on potential harm to the student, as discussed above. Parents and unaccompanied youth must be informed of this right to transportation before they select a school for attendance.

V. Services

Children and youth in transition will be provided services comparable to services offered to other students in the selected school, including:

- Transportation (as described above)
- Title I, Part A, services (as described below)
- Educational services for which the student meets eligibility criteria, including special education and related services and programs for English language learners
- Vocational and technical education programs
- Gifted and talented programs
- Before- and after-school programs

SDIS recognizes that children and youth in transition suffer from disabilities at a disproportionate rate, yet frequently are not evaluated or provided appropriate special education and related services. To address this problem, evaluations of children and youth in transition suspected of having a disability will be given priority and coordinated with students' prior and subsequent schools as necessary to ensure the timely completion of a full evaluation. When necessary, SDIS will designate expeditiously a surrogate parent for unaccompanied youth suspected of having a disability. If participation of a surrogate parent in the student's education is needed prior to the appointment of a surrogate parent, SDIS will designate a temporary surrogate in accordance with the provisions of the Individuals with Disabilities Education Act (IDEA). If a student has an Individualized Education Program (IEP), the enrolling school will implement it immediately. Any necessary IEP meetings or re-evaluations will then be conducted expeditiously. If complete records are not available, IEP teams must use good judgment in choosing the best course of action, balancing procedural requirements and the provision of services. In all cases, the goal will be to avoid any disruption in appropriate services.

When applying any school policy regarding tardiness or absences, any tardiness or absence related to a child or youth's living situation will be excused. SDIS will follow state procedures to ensure that youth in transition and youth who are out of school are identified and accorded equal access to appropriate secondary education and support services. SDIS personnel will refer children and youth in transition to appropriate health care services, including dental and mental health services. The local liaison will assist the school in making such referrals, as necessary.

SDIS personnel must also inform parents of all educational and related opportunities available to their children and provide parents with meaningful opportunities to participate in their children's education. All parent information required by any provision of this policy must be provided in a form, manner, and language understandable to each parent.

VI. Free Meals

Hunger and poor nutrition are barriers to learning. To help ensure that children and youth in transition are available for learning, the U.S. Department of Agriculture has determined that all children and youth in transition are automatically eligible for free meals. On the day a child or youth in transition enrolls in school, the enrolling school must submit the student's name to the SDIS nutrition office for immediate processing.

VII. Disputes

If a dispute arises over any issue covered in this policy, the child or youth in transition will be admitted immediately to the school in which enrollment is sought, pending final resolution of the dispute. The student will also have the rights of a student in transition to all appropriate educational services, transportation, free meals, and Title I, Part A,

services while the dispute is pending. The school where the dispute arises will provide the parent or unaccompanied youth with a written explanation of its decision and the right to appeal and will refer the parent or youth to the local liaison immediately. The local liaison will ensure that the student is enrolled in the requested school and receiving other services to which he or she is entitled and will resolve the dispute as expeditiously as possible. The parent or unaccompanied youth will be given every opportunity to participate meaningfully in the resolution of the dispute. The local liaison will keep records of all disputes in order to determine whether particular issues or schools are delaying or denying the enrollment of children and youth in transition repeatedly.

VIII. Filing A Complaint

A. Level 1

1. A dispute may be raised with the School. The School is a Local Educational Agency (LEA) for the purposes of this Act and level 1 of a dispute may occur at the LEA level pursuant to the School's Grievance Policy.

B. Level 2

1. In the case of a complaint filed pursuant to the McKinney-Vento Education for Homeless Children and Youth Act relating to a dispute not resolved at the school level, the school shall forward the department's dispute resolution process form along with the school's written explanation of the school's decision to the department's homeless liaison within 5 calendar days of the school's final decision. The department will accept and investigate complaints from organizations or individuals with respect to applicable or covered programs. The complaint must:
 2. be written;
 3. be signed by the complaining party or his or her designated representative;
 4. contain a statement that the department or an agency or consortium of agencies has violated a requirement of a federal statute or regulation that applies to the program;
 5. contain a statement of the facts on which the complaint is based and the specific requirement alleged to have been violated; and
 6. in the case of Title IX, must contain a statement that the department or any of its employees, has discriminated against the complainant on the basis of sex in regard to an education program or activity operated or managed by the department given that the department is a recipient of federal financial assistance.

The parent, guardian or student may also initiate the appeal by providing copies of these documents to the department's homeless liaison.

C. Impartial review. Upon receipt of a complaint which meets the requirements of law, the department will:

1. acknowledge receipt of the complaint in writing;
2. provide written notice to the agency or consortium of agencies against which the violation has been alleged;

3. conduct an impartial investigation which shall include a review of all relevant documentation presented and may include an independent on-site investigation, if determined necessary by the department;
 4. give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint; and
 5. review all relevant information and make an independent determination as to whether the agency or consortium of agencies is violating a requirement of an applicable federal statute or regulation.
- D. Decision. A written decision, which includes findings of fact, conclusions, and the reasons for the decision and which addresses each allegation in the complaint, shall be issued by the secretary of education or designee and mailed to the parties within sixty (60) calendar days of receipt of the written complaint. In the case of a complaint filed pursuant to the McKinney-Vento Education for Homeless Children and Youth Act, the decision must be issued within thirty (30) calendar days. Such decision will further include:
1. procedures for effective implementation of the final decision, if needed, including technical assistance, negotiations, and, if corrective action is required, such action shall be designated, and the decision shall include the time line for correction and the possible consequences for continued noncompliance;
 2. a statement of the right to request the secretary of the United States department of education to review the final decision at the secretary's discretion; complaints regarding participation by private school children must be appealed to the secretary no later than thirty (30) days after the department issues its decision; an appeal regarding participation by private school children must be accompanied by a copy of the decision and a complete statement of reasons supporting the appeal.
- E. Failure or refusal to comply. If the agency or consortium of agencies fails or refuses to comply with the applicable law or regulations, and if the noncompliance or refusal to comply cannot be corrected or avoided by informal means, compliance may be effected by the department by any means authorized by state or federal statute or regulation. The department will retain jurisdiction over the issue of noncompliance with the law or regulations and will retain jurisdiction over the implementation of any corrective action required.
- F. Informal resolution.
1. Nothing herein shall preclude the availability of an informal resolution between the complainant and the agency or consortium of agencies, nor shall this rule preclude or abrogate the availability of any administrative hearing opportunities as provided for by federal statute or regulation.
 2. In the case of a complaint filed pursuant to the McKinney-Vento Education for Homeless Children and Youth Act, each charter school shall have a written policy for concerned parties to resolve disputes, and every effort should be made to resolve the dispute at the school level. The school level procedure must adhere to the following parameters:
 - a. The dispute resolution process shall be as informal and accessible as possible.
 - b. When a dispute arises over school selection or enrollment, pending

resolution of the dispute, the homeless child or youth must be immediately enrolled in the school in which the child or youth is seeking enrollment and provided all services to which student is entitled.

- c. The school must create and provide a simply stated notice of rights and provide that notice of rights to the student, parent or guardian, in a language the student, parent or guardian can understand. The notice of rights shall contain:
 - i. contact information for the school homeless liaison and the state coordinator, with a brief description of their roles;
 - ii. a step by step description of how to make use of the dispute resolution process;
 - iii. notice of the right to immediately enroll in the school of choice pending resolution of the dispute and notice that immediate enrollment includes full participation in all school activities;
 - iv. notice of the right to obtain the assistance of advocates or attorneys;
 - v. notice of the right to appeal to the department if the school-level resolution is not satisfactory;
 - vi. the timelines for resolving school and department-level appeals;
 - vii. notice of the right to provide written or oral documentation to support their position; and
 - viii. a simple form that parents, guardians or the student can complete and return to the school to initiate the process.
- d. The school with the dispute must provide notice of the dispute to the school's homeless liaison using the department's dispute resolution process form which requires the following information:
 - i. school name, address, phone and fax number;
 - ii. student's name, identification number, grade, and address;
 - iii. parent, guardian or complaining party's name, relationship to student, address, and phone number;
 - iv. whether student lives in a shelter;
 - v. name of school child or youth chooses to be enrolled in pending resolution of dispute;
 - vi. whether school enrolled in is school of origin;
 - vii. reason for complaint;
 - viii. signature of parent guardian or complaining party; and
 - ix. the principal's actions on the complaint.
- e. The school will have 10 calendar days to review its initial determination and make a final decision as to the position taken.
- f. The school's final decision must be in writing and must state all factual information upon which it is based and the legal basis in support thereof. If the final decision of the school is adverse to the parent, guardian or student, the decision, along with the department's dispute resolution process form, must be forwarded by the school homeless liaison to the department's homeless liaison within 5 calendar days of issuing its final decision.

IX. Discipline of Students Experiencing Homelessness

- A. It shall be the policy of SDIS that removing students experiencing homelessness from school shall be used only as a last resort, pursuant to the requirements in 42 U.S.C. 11431 et seq., the McKinney-Vento Homelessness Assistance Act.
- B. In addition the school shall serve homeless students in the following ways pursuant to 6.11.2.10(H) NMAC:
 - 1. Through professional development activities, create an awareness among educators and administrators of the types of behaviors that students experiencing homelessness may exhibit due to homelessness and provide strategies and supports to address the behaviors through the student assistance team process in accordance with Subsection D of 6.29.1.9 NMAC;
 - 2. Take into account the issues related to a student's homelessness by talking with the student and applicable staff and families prior to taking disciplinary action;
 - 3. Consult with school behavior response teams or other applicable personnel to assign appropriate discipline related to the behavior;
 - 4. Implement discipline alternatives to out of school suspensions or expulsions or classroom removals, if possible; and
 - 5. connect students with mental health services as needed.
- C. SDIS shall review school discipline records and data of students experiencing homelessness in order to identify any patterns in disciplinary actions that indicate an unfair bias against the students. The collection and review of such records shall be in compliance with the Family Educational Rights and Privacy Act, as well as any other applicable federal or state laws or rules governing the privacy of such documents.

Approved by the Six Directions Indigenous School Governing Council: [Date].