

# Homeless Student Policy/McKinney-Vento Act Notice

NEW AMERICA SCHOOL – LAS CRUCES

In accordance with the McKinney-Vento Homeless Assistance Act of 2001, 42 USC §11432(g)(1)(c), NMSA 1978 §22-12-10, and 6.10.3.1 *et seq.* and 7.5.3.10 NMAC, parents/guardians of homeless students (or the student if unaccompanied) are to receive and acknowledge receipt of notice of the rights forth herein. This notice should be provided in a language the student, parent or guardian can understand.

New America School – Las Cruces will review its policies annually to remove barriers to the enrollment and retention in school of children and youth in homeless situations.

**The NAS liaison for homeless students is: attached;**

## **Definition**

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:
  - o Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as *doubled-up*);
  - o Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
  - o Living in emergency transition shelters; or
  - o Abandoned in hospitals.
- Children and youth who have a primary nighttime residence that is a public or private place not designated 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; or
- Migratory children who qualify as homeless because they are living in circumstances described above.

## **Admission**

Every homeless student will be provided the same opportunity for admission to NAS-LC as every other student. Thus, students identified as “homeless children and youth” will be given the opportunity to apply, according to NAS-LC admission/lottery practices and policies for all students.

## **Enrollment/Registration**

If admitted pursuant to school admission/lottery procedures, the student will attempt, to the best of his/her ability, to provide the school with school records, medical records, proof of residence and proof of guardianship. If the student is

unable to provide the school with these documents, the school will attempt to locate the documents and shall immediately contact the school last attended by the student to obtain relevant academic and other records. If the student needs to obtain immunizations, or immunization or medical records, NAS-LC shall immediately refer the parent/guardian/student to the NAS-LC liaison for homeless students, who shall assist in obtaining necessary immunizations, or immunization or medical records.

Failure to provide documentation shall not prohibit the homeless student from enrolling and registering at NAS-LC. The student will meet with the School administration to determine the placement level upon enrolling, if there is no documentation to support placement.

If NAS-LC receives a request for records of a homeless student who has transferred to another school, NAS-LC shall provide the receiving school with any records within two working days of having received the request.

### **Identification**

The NAS counselor and liaison for homeless students will work to identify currently enrolled students who have become homeless. Students are encouraged to approach the guidance counselor or liaison for homeless students if they enter a situation in which they are classified as homeless, or think they may be classified as homeless.

In addition, the liaison for homeless students will ensure that:

1. Students enrolled have a full and equal opportunity to succeed in the school.
2. Homeless families and students receive education services for which they are eligible as well as referrals to health care services, dental services, mental health services and other appropriate services based on their assessed needs.
3. The parents or guardians of homeless students are informed of the educational and related opportunities available to their children and are provided meaningful opportunities to participate in the education of their children.
4. Enrollment and admission disputes are mediated and addressed in accordance with law and School policies.
5. Unaccompanied students will be assisted with enrollment decisions, their views will be considered and they will be provided notice of the right to appeal.
6. Students who need to obtain immunizations, or immunization or medical records, will receive assistance.
7. Students/parents/guardians will be notified of the availability of free/reduced-price school meals and will be certified for free school meals.

### **Continued Support**

The homeless education liaison, or designee, will provide homeless students with information regarding services to homeless children and youth such as local social service agencies or programs providing services to homeless families to minimize

educational disruption for children and youth experiencing homelessness. The guidance counselor will also be made available for continued support to the student.

### **Services**

Each homeless youth admitted to NAS-LC shall be provided services comparable to services offered to other students at NAS-LC. These include, but are not limited to, educational services for which the student meets the relevant eligibility criteria, such as: special education components, programs for individuals with disabilities, health and nutritional offerings, before and after school activities, limited English proficiency programs, and social service referrals.

Students experiencing homelessness shall be directly certified for free school meals for the entire school year. The School's school food authority director shall be notified within one school day of the homeless student's enrollment, and the director will directly certify the student for free school meals. The director will notify STARS coordinator to update the student's demographics and enter them as categorically eligible.

Homeless students admitted to NAS-LC pursuant to NAS-LC admission/lottery procedures and who choose to enroll will have a full and equal opportunity to succeed in school. Students experiencing homelessness shall have priority placement in classes that meet state graduation requirements, and timely placement in elective classes offered by the School that are comparable to those in which the student was enrolled at the student's previous school or schools, as soon as the school receives verification from the student's records.

The student's state graduation requirements for a diploma of excellence shall be accepted. The student shall have equal access to sports and other extracurricular activities, career & technical programs, or other special programs for which the student qualifies. The student shall receive timely assistance and advice from staff to improve the student's college and career readiness.

### **Transportation**

At the request of a parent/guardian, NAS-LC shall ensure to-and-from transportation to the homeless student, in accordance with applicable laws.

### **Enrollment/Registration/Services Disputes**

After a homeless student is admitted to NAS-LC pursuant to NAS-LC admission/lottery processes, if a dispute arises over enrollment/registration/services:

- the homeless student shall be immediately enrolled at NAS-LC, pending resolution of the dispute;

- the parent or guardian of the student shall be provided with a written explanation of the school's decision regarding enrollment, including the rights of the parent/guardian/student to appeal the decision;
- the student, parent or guardian shall be referred to the NAS-LC liaison for homeless student, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute, in accord with the procedure found in 6. 10. 3. 8 NMAC; and
- in the case of an unaccompanied youth, the liaison for homeless students shall ensure that the student is immediately enrolled pending resolution of the dispute.

### **Dispute Resolution Process**

Parents/guardians/students wishing to dispute matters pursuant to this policy and notice should use the following process:

- Complete the attached Complaint form (**Attachment A**);
- Return the completed Complaint form to the NAS-LC liaison for homeless students (contact information above and on form);
- Parents/guardians/students have the right to obtain and utilize the assistance advocates or attorney with regard to disputes, and have the right to submit written and/or oral documentation to support their position;
- Upon receipt of a completed Complaint form, NAS-LC administration shall make reasonable attempts to schedule a meeting with the Complainant to discuss and resolve the complaint, to occur within ten (10) calendar days;
- NAS-LC shall address the Complaint within ten (10) calendar days and shall inform the complainant in writing of the decision, including all factual information on which it is based and the legal basis in support thereof; a description of any options the school considered; the reasons why other options were rejected; a description of other factors relevant to the school's determination, including the facts, witnesses and evidence relied and their sources; appropriate timelines to ensure any relevant deines are not missed; and contact information for the State Coordinator of Education for Homeless Children and Youth and a brief description of their roles.
- All decisions and notices shall be drafted using language and formatting appropriate for low literacy, limited vision readers and individuals with disabilities.
- Translation/interpretation services shall be used at all stages of the dispute resolution process for youth and/or their parents/guardians who are English Learners or whose dominant language is other than English, without charge.
- The School shall provide electronic written notice to parents/guardians unaccompanied youth who have email and shall follow up with the notice in person or by mail.

If the School's decision is adverse to the parent/guardian/student, NAS-LC's liaison for homeless students shall forward the NMPED's dispute resolution process form

**(Attachment B)** along with the School’s written decision to the NMPED’s homeless liaison within five (5) calendar days of the issuance of the School’s final decision. Complainants have the right to appeal to the NMPED pursuant to 6.10.3.9 NMAC if the School’s decision is not satisfactory to the complainant; see **Attachment B**. To initiate the appeal, the complainant must notify the NAS-LC liaison for homeless students within ten (10) business days of notification of the School’s decision, and shall provide copies of Attachment B to the NMPED’s homelessness liaison.

**Posting of Notice**

NAS-LC shall post public notice of the educational rights of homeless children and youths at the school, where homeless families and youths receive services, and on the School’s website.

**List of Area Legal/Advocacy Service Providers**

Additional assistance may be available from the following (this list is not exclusive or exhaustive):

[Provide list here]

**State Coordinator of Education for Homeless Children and Youth:**

\_\_\_\_\_ [Provide address here, and brief description of role]

**The signature below indicates that the person signing has received and understands this information on rights.**

\_\_\_\_\_  
Signature of Parent/Legal Guardian  
(or unaccompanied student)

\_\_\_\_\_  
Date

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*One(1) copy to signatory and one (1) to liaison for homeless students, with attachments*

Governing Council adoption date: \_\_\_\_\_

**ATTACHMENT A: COMPLAINT FORM/McKINNEY-VENTO**

**Name of Person(s) filing Complaint:** \_\_\_\_\_

**Contact Information:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Student Name and Grade:** \_\_\_\_\_

**Has problem been discussed with School administration?**

**Yes**                      **No**                      **Date** \_\_\_\_\_

**Information the complainant wishes to have considered (attach additional sheets if necessary):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Complainant Signature:** \_\_\_\_\_

**When complete, please provide this Form to:**

\_\_\_\_\_, NAS-LC Liaison for Homeless Students

[address]

[email]

[phone number]



# Homeless Liaisons

Frances Gutierrez

Margarita Porter