

MONTANA STATE PLAN

For

EDUCATION OF HOMELESS CHILDREN AND YOUTH

by

**Linda McCulloch
, Superintendent**

Office of Public Instruction

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Mandated by

**McKinney-Vento Homeless Education Assistance Act of 2001
(P.L. 100-77)**

Authorized by

No Child Left Behind Act

INTRODUCTION

Homelessness often deprives people of the basic necessities of life: adequate food, clothing, and shelter. It very often deprives children in those situations of a successful education. According to the Office of Public Instruction's (OPI's) homeless surveys from 1989 to 1999, the number of homeless children and youth has grown from 1800 to over 2700. During the school year, some of those counted do not attend school at all. Many of them who do attend do so on an interrupted basis. Their attendance depends on family situation and personal factors. The homeless child or youth also faces barriers that keep them from the classroom as well as from succeeding in the classroom.

It may not be apparent to everyone that Montana has a homeless problem. Montana has individuals and families who for whatever reason live in very inadequate situations. Some of those individuals are of school age and most of the families have school-age children. Whatever the reason for their homelessness, the kids from preschool to high school age are at high risk of falling way behind in school and/or not completing school. The transient nature of the homeless family keeps kids out of the education system as often as they are in the system. Homelessness in Montana is recognized by some as a social, economic, and moral problem. Regardless of the underlying reasons, the existence of the problem necessitates that we take action to help solve it.

The following plan is designed to give direction to those working for the educational success of homeless children and youth. This revision of the plan is based on requirements of the McKinney-Vento Homeless Education Assistance Act of 2001. This revision addresses areas of concern that are specific to Montana and to Congressional requirements.

I. PROGRAM POLICY

SECTION 721 (1)(2) of the McKinney-Vento Homeless Education Assistance Act:

The following is the policy of the Congress:

- (1) Each State educational agency (SEA) shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.
- (2) In any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.

- (3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.
- (4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

II. DEFINITIONS

School Age

Montana Code, Section 20-5-101 states - "The trustees shall assign and admit a child to a school ... when a child is six years of age or older on or before September 10 of the year in which the child is to enroll but is not yet 19 years of age. However, school age for the purposes of this plan exceeds these limits whenever the school district offers services to children younger or older than the required ages. If the district offers a preschool program to three-and four-year-olds, then homeless three-and four-year-olds shall be considered to be school age if they would otherwise qualify for the district's preschool program."

Section 725 (1)(2)(3) of the McKinney-Vento Homeless Education Assistance Act:

"The term 'enroll' and 'enrollment' include attending classes and participating fully in school activities."

"The term '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."

Homeless Children and Youths

According to Section 725 (2) of the McKinney-Vento Homeless Education Act, "the term 'homeless children and youth'--"

1. Means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103 (1)(1)) ['one who (1) lacks a fixed, regular, and adequate residence or (2) has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.']; and
2. Includes--
 - (A) Children and youths 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;
- (B) Children and youths 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 (within the meaning of section 103 (a)(2)(C));
 - (C) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - (D) 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 clauses (i) through (iii).

A fixed residence is one that is stationary, permanent, and not subject to change. A regular residence is one which is used on a regular (i.e., nightly) basis. An adequate residence is one which is sufficient for meeting the physical, educational, and psychological needs typically met in home environments. Section 103 (c) of the Act specifically excludes from the definition of homeless individuals any person who is imprisoned or otherwise detained by Act of Congress or State law.

3. In Section 725 (6), “the term ‘unaccompanied youth’ includes a youth not in the physical custody of a parent or guardian.”

Free and Appropriate Public Education

Based on the Act’s definition, “free and appropriate public education” means the provision of services for which the child would be eligible if not homeless in the same manner as that provided to other students who are similarly eligible for the service. Therefore, homeless children shall be eligible for transportation services, compensatory education services, bilingual education services, special education services, school meal programs, preschool programs, or any other programs offered by the local school division for which the homeless child or youth is otherwise eligible.

III. OFFICE OF COORDINATOR

The OPI established a position in the office in 1988 that is designated as Coordinator for Education of Homeless Children and Youth. The OPI is responsible for all of the mandates of the McKinney-Vento Act and directs the Coordinator to serve as the OPI’s advocate for homeless children and youths.

SECTION 722 (f.) of the McKinney-Vento Homeless Education Assistance Act

1. **FUNCTIONS OF THE OFFICE OF COORDINATOR.**—The Coordinator for Education of Homeless Children and Youths established in each State shall—

- (A) Gather reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youths, any progress made by the SEA and LEAs in the State in addressing such problems and difficulties, and the success of the programs under this subtitle in allowing homeless children and youths to enroll in, attend, and succeed in, school;
- (B) Develop and carry out the State plan described in subsection (g);
- (C) Collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and youths within the State;
- (D) Facilitate coordination between the SEA, the State social services agency, and other agencies (including agencies providing mental health services) to provide services to homeless children, including preschool-aged homeless children and youths, and to families of such children and youths;
- (E) In order to improve the provision of comprehensive education and related services to homeless children and youths and their families, coordinate and collaborate with—
 - (1) Educators, including child development and preschool program personnel;
 - (2) Providers of services to homeless and runaway children and youths and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youths);
 - (3) Local educational agencies liaisons designated under subsection (g)(1)(J)(ii) for homeless children and youths; and
 - (4) Community organizations and groups representing homeless children and youths and their families; and
- (F) Provide technical assistance to LEAs in coordination with LEA liaisons designated under subsection (g)(1)(J)(ii), to ensure that LEAs comply with the requirements of section 722(e)(3) and paragraphs (3) through (7) of subsection (g).

IV. STATE PLAN

SECTION 722 (g) of the McKinney-Vento Homeless Education Assistance Act

- 1. A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.**

It is the policy of the OPI that all students in Montana schools be given the opportunity to succeed by meeting the same academic achievement standards that all other students are expected to meet.

The Coordinator will provide written and oral information that will make all LEA staff and management aware of the need to provide access to homeless children and youth, in all available programs that will assist them in reaching success in the same achievement standards required of all other students. This information process has already begun and will continue throughout each year of the program. A strong collaboration between the Coordinator and the LEA Liaisons will be the first and most direct way to assure and enhance academic achievement for homeless children and youths.

The information provided will assure that all LEAs are aware of the comparable services requirement in Section 722, (g) (4). The Coordinator will provide technical assistance and monitor districts for compliance of this requirement.

The subgrant program for McKinney-Vento funds requires the applying district to collaborate with other federal and state education programs when creating a program. This assures the homeless child or youth being served by a subgrant program the opportunity to participate in all available programs.

All Montana school districts are required to include all students in assessment of performance. The Coordinator will research the ability to retrieve disaggregated data from all districts in future school years as a measure of the success of homeless children and youth in meeting the same academic standards as all other students. The Coordinator will ask for disaggregated data from all subgrantees.

- 2. A description of the procedures the SEA will use to identify such children and youth in the State and to assess their special needs.**

The primary focus for identifying such children and youths and their special needs is at the LEA level. Liaisons and staff need to have the tools available to recognize the child or youth as homeless and to realize the need to provide immediate services to avoid any length of pause in the child or youth's education. The OPI will provide the tools and information that LEA personnel need to make the homeless determination.

The first important piece of information that will be mailed and e-mailed to LEAs is a guidance package that explains the definition of homeless. It will also explain the special needs that homeless children and youth can experience. This will be followed by an ongoing technical assistance program and staff training to enhance the knowledge of the

issues and to assure that liaisons and staffs understand the special needs of the homeless. The Coordinator will also provide the liaison with information on local service provider contacts that work with these issues all of the time. There will be opportunities throughout the year for liaisons and staff to attend at least two formal workshops on homeless issues and opportunities as requested for on site technical assistance

LEAs have been and will continue to be part of the OPI count and needs assessment that has been required by the U.S. Department of Education. The OPI will continue to do a statewide count and needs assessment of homeless children and youth and update information to schools as needed.

3. Process for the prompt resolution of disputes regarding the educational placement of homeless students.

Note: If a dispute arises over school selection or enrollment, the child/student must be immediately admitted to the school in which enrollment is sought pending final resolution of the dispute. Admission includes transportation and other school services and activities.

(A) Notice by Local Education Agency (LEA)

Every school district or LEA must have a dispute resolution policy specifically addressing the rights of homeless students to appeal placement decisions.

A written explanation of the school's decision regarding school selection or enrollment, including the right to appeal, must be provided if the parent, guardian, or unaccompanied youth disputes the school's decision. The written explanation must be complete, contain contact information for the LEA homeless liaison and SEA coordinator, the procedure for appeal, and provided in a language the parent, guardian, or unaccompanied youth can understand.

(B) LEA Homeless Liaison

In any dispute regarding enrollment or placement of a homeless youth, the school must refer the parent, guardian, or unaccompanied youth to the LEA's homeless liaison to assist in carrying out the dispute resolution as quickly as possible. The homeless liaison is responsible for ensuring that the dispute resolution process is followed for an unaccompanied youth.

(C) LEA Decision

The LEA homeless liaison is encouraged to work with the Montana Office of Public Instruction (OPI) Education of Homeless Children and Youth (EHCY) Program Coordinator as appropriate to resolve the dispute. If the dispute cannot be resolved at the local district level, the liaison shall appeal the matter to the OPI. The student must remain enrolled until final resolution of the dispute.

(D) SEA Education of Homeless Children and Youth Coordinator

Upon receipt of a completed dispute resolution form and related documentation, the State EHCY Coordinator shall, within 15 business days, convene a panel of three OPI staff to investigate and resolve the dispute. The decisions of the panel will be final. The OPI will issue a written decision to the LEA, and the parent/youth.

A Dispute Resolution Form is available for download on the OPI website for use during the dispute resolution process. Copies of the dispute resolution procedure and forms are available for school district liaisons to give to families, staff, and service providers.

4. **A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten awareness of such personnel of the specific needs of runaway and homeless youths.**

All LEA staff and personnel will be provided the same opportunities to receive technical assistance, staff training, written and e-mailed information, and participate in statewide education conferences throughout the school year regarding the needs of runaway and homeless youths.

The LEA liaison is required to provide information and answer questions in the absence of the Coordinator.

5. **A description that ensures that homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.**

There is a very coordinated group of food and shelter providers in Montana. The Coordinator is and will continue to actively collaborate with the providers. The Coordinator will provide information to districts regarding local food bank and feeding programs. The Coordinator will maintain a liaison with State Health and Human Service who manages the Federal Commodities program. Liaisons and LEA teaching staff will be provided information to heighten awareness of the need for a healthy food program and ways to access these services for the homeless individual and family.

One of the conference opportunities for liaison, staff, and management to attend is an annual Hunger and Homeless Conference that will bring service providers and educators together to collaborate on this issue.

6. **A description of procedures that assure that—**
- (A) **homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children in the State;**
 - (B) **homeless youths and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services; and**

(C) homeless children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs.

The Coordinator will provide written and oral information to LEA personnel that will assure that all school staff and management are aware of the need to provide access to homeless children and youth in all available programs and services that will assist them in reaching success in the same achievement standards as required of all other students. This information process has already begun and will continue throughout each year of the program. A strong collaboration between the Coordinator and the LEA liaisons will be the first and most direct way to assure and enhance academic achievement for homeless children and youth.

Information will be provided to districts to assure that all LEA personnel are aware of the comparable services requirement in Section 722, (g) (4) to include preschool programs, secondary education and support service, and any before- or after-school care programs. The Coordinator will provide technical assistance and monitor LEAs for compliance of this requirement.

7. Describe the SEA's strategies for addressing problems set forth in its FY 2000 report provided to the Secretary under Section 722 (f)(3).

The data collected in 1999 and the report provided to the Secretary in 2000 reflect an assessment of the needs of and the barriers still affecting homeless children and youth in Montana. It also provided an updated count and location of homeless children and youth. The following are frequently identified barriers to school attendance/enrollment recognized in the report:

- School not a priority to the family
- Transportation needs from shelter/facility to school
- Legal Guardianship requirements

Shelter and service providers have been provided information to help the family of the homeless individual to be more aware of this issue and to work with families to ease this problem. Subgrant programs that provide the needed transportation help the transportation issue in the most populated areas. In less populated communities, the problem is more of an issue. The small amount of money available for subgrants does not allow the State to address all areas with funding. The new McKinney-Vento requirement for districts to provide transportation (Section 722 (g)(1)(J)) will assure the resolution of this issue for the State. The new law will allow immediate enrollment without the guardianship being a barrier.

In addition to the issue addressed above, the major needs identified in the report are listed below:

- Need for free lunch and breakfast
- Preschool programs
- Enrollment

Montana has a strong school lunch program while the breakfast program has had limited success in only a few communities. The Coordinator will continue to collaborate with service providers and the School Foods Program for Montana to encourage expanding breakfast programs. The school lunch issue does not arise as a need very often. There are a limited number of preschool programs for any child to participate in. The Coordinator is participating in the Montana Head Start Collaborative to enhance opportunities for homeless children and youth to attend preschool programs.

The Coordinator will work to assure compliance with all areas of the new McKinney-Vento Act through information, training, collaboration, and technical assistance on site.

8. Describe the SEA's strategies for addressing problems with respect to the education of homeless children and youths, including problems resulting from enrollment delays that are caused by—

- (A) immunizations and medical records requirements;**
- (B) residency requirements;**
- (C) lack of birth certificates, school records, or other documentation;**
- (D) guardianship issues; or**
- (E) uniform or dress code requirements.**

The issue of immunization and medical records has not been a problem in Montana schools. LEAs have solved this issue by going to local health departments who provide immunizations at no cost. Where there has been an issue the school and local service provider have taken care of the problem after enrollment.

Montana School Law regarding residency does NOT prohibit access to a free education. The OPI submitted legislation in 1989, and successfully amended Section 20-5-101, MCA, generally allowing homeless children and youth unrestricted admittance to public schools.

The lack of birth certificates, school, and other records has not been a barrier to enrollment of homeless children and youth in Montana schools. Schools have had a problem getting records from out-of-state students who transfer, but the students are allowed to enroll.

The lack of a guardian or legal guardian has been an issue. The new McKinney-Vento law will assure that guardianship will no longer be a barrier to enrollment. The Coordinator and the OPI will address this issue as required in Section 722, (g)(1)(I) in the review and revision of state law and school policies during the 2003 legislative session.

Uniforms and dress codes have not been a problem in Montana.

9. A demonstration that the state educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youths in schools in the State.

The OPI has reviewed past needs survey reports and reports of incidents of enrollment barriers. Based on that information, the state has affected changes in Montana School Law regarding enrollment of homeless children and youths (refer to section 8 above). LEAs who have applied for and received subgrants under S.B. McKinney have done some of the review and revision process in the past.

Generally, most LEAs in Montana have not had the homeless issue arise so have not addressed policy. Under the McKinney Vento Act, the OPI and the Coordinator will begin a statewide, four- part program to alert and assist all LEAs of the need to review and revise school policy to remove barriers to enrollment and retention of homeless children and youths in the State. The four-part program is outlined below:

Part (1). To alert all school districts in the State by mail of the purpose and need to review and revise enrollment policy for homeless children and youth. This will be done prior to September 1, 2002.

Part (2). To require all applicants for McKinney-Vento subgrants to review and revise LEA enrollment policy regarding homeless children and youths. During the application year, the Coordinator will review the applicant revision and review process (August 2002 – August 2003).

Part (3). To review the eleven major LEA areas with the highest reported population of homeless children and youth in the State. To provide guidance and technical assistance to these LEAs in the revision and review process. (September 2002 - August 2003).

Part (4). To review, as appropriate and as time allows, the review process of less populated LEAs in the State as a follow up to the letter in Part (1) (starting in September 2003 and continuing until complete).

The information provided in this program will inform each LEA about the requirements of the McKinney-Vento Act, and in particular, the immediate enrollment requirements.

10. Describe how the State will ensure that LEAs will comply with the requirements of paragraphs in Section 722 (g)(3) through (g)(7) of the Act.

Information disseminated to school districts in Montana starting in July 2002 will include a copy of the McKinney –Vento Homeless Education Assistance Act with explanations and guidance regarding new McKinney –Vento requirements, some of which is described above. Information and guidance will highlight Immediate Enrollment, best interest, school of origin, record, disputes, comparable services, review and revision, liaisons, and

more. The same information will be available to service providers, shelters, and homeless individuals.

All of the assurances required of the SEA and those that are to be coordinated with LEAs will be explained to LEA staff, management, and liaisons and monitored by the Coordinator and the OPI. LEAs will be informed of any legislative changes (Montana School Law) and the need for LEAs to comply. Contact by the Coordinator with liaisons, superintendents, principals, and staff during training, workshops, professional development, conferences, and site visits will allow the evaluation of compliance with all McKinney-Vento requirements.

The OPI requires any applicant for federal programs to agree to a set of Common Assurances that includes general and specific assurances related to Education of Homeless children and youth. Those assurances refer to other requirements in the Act. This will assure the state that a majority of the LEAs complying with required elements of the McKinney-Vento Act. Those few districts that do not participate will be monitored in follow-up information and training programs throughout the state.

11. Describe the technical assistance that the state will furnish to LEAs and how the SEA will coordinate its compliance efforts with the LEA liaisons designated under paragraph (1)(J)(ii) in Section 722 of the Act.

(A) Technical Assistance

The Coordinator will provide technical assistance to LEAs in coordination with the LEA liaison designated under subsection (g)(1)(J)(ii), to ensure that LEAs comply with all requirements of the Act and in particular Section 722 (e)(3) and paragraphs (3) through (7) of subsection (g).

Technical assistance will be provided to each LEA as needed or as requested by written correspondence, e-mail, on-site visitations, training sessions, and workshops.

Technical assistance will consist of written and/or verbal explanation of the law as related to an area of responsibility in educating homeless children and youth. It will also include an explanation of the reason for the requirement and how it will affect and or enhance the educational opportunity of a homeless child or youth.

(B) Coordination with LEA Liaison

All communication written or oral with an LEA will also be provided to the LEA liaison. Training for LEA staff and management will include the liaison. The Coordinator will ask that the LEA liaison be included in the planning and preparation of any McKinney-Vento subgrant application process, if appropriate.

LEA liaisons will be trained by the Coordinator with respect to the McKinney-Vento Act for SEA requirements and assurances, LEA requirements and assurances, dispute resolution procedure, local service provider coordination,

liaison duties, and subgrant requirements, as is appropriate. All training for LEA liaisons, staff and management will be intended to assure their understanding of the reason for and the intended benefit of compliance with all requirement of the McKinney-Vento Act.

12. Describe how the SEA will use the funds it receives under this program to carry out State-level activities and to make sub-grants to LEAs.

The OPI will fund state-level activities for the McKinney-Vento Act in accordance with Section 722 (e). Services will be provided through the OPI directly to homeless children and youth and LEAs.

The OPI will conduct activities in the state according to the disbursement calculation in Section 722 (e)(1) of 75 percent for subgrants to LEAs and 25 percent for administration of State-level activities.. Montana was, but is no longer, a minimum funded State. It needs to be stated that this rate is not correct as noted by the U.S. Department of Education. This calculation provides a reduced amount available for administration. It will not be possible for Montana to fulfill all of the requirements of McKinney-Vento without a correction to this calculation.

The OPI and the Coordinator will continue the subgrant process used in past years with new McKinney-Vento requirements in a revised application. The OPI will make subgrants to LEAs for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth as explained in Section 723 of the Act.

The OPI submits the above revision of the Montana State Plan for the Education of Homeless Children and Youth. This plan is submitted to the U.S. Department of Education as a requirement of the McKinney-Vento Homeless Education Assistance Act of 2001 (P.L. 100-77).

The State of Montana and the OPI retain the right to amend or make additions to this plan as a part of the McKinney-Vento Program in Montana. Implementation of this State plan will commence with the following signatures and clarification from the U.S. Department of Education on the Administrative/Subgrant funding issue for Montana.

Date

Linda McCulloch, Superintendent