A. Purpose

To provide guidance to Frederick County Public Schools ("FCPS") employees regarding the identification, enrollment, and retention of students experiencing homelessness, ensuring access to support services and a rigorous instructional program.

B. Background

Under the McKinney-Vento Homeless Assistance Act (the "McKinney-Vento Act"), as amended by the Every Student Succeeds Act (the "ESSA"), homeless children and youth are granted specific educational rights and protections to ensure equal access to a free and appropriate public education. These protections are designed to eliminate barriers that hinder the identification, enrollment, retention, and academic success of students experiencing homelessness, including unaccompanied youth. In accordance with State requirements, each local school system, including FCPS, must develop, review, and revise policies that address and remove barriers to the full participation of students experiencing homelessness and unaccompanied youth. FCPS recognizes that addressing these barriers is essential to supporting the educational success of all students, regardless of housing status, and remains committed to fostering an inclusive, supportive learning environment in collaboration with students, families, and community partners.

C. Definitions

1. "Enroll" or "Enrollment" is defined as attending classes and participating fully in school activities.

2. "Parent" is defined to mean a biological or adoptive parent, a court-appointed custodian or guardian, a foster parent, or a caregiver (as defined by the Education Article of the Maryland Annotated Code or as designated by the United States Department of Health and Human Services, Office of Refugee Resettlement).

3. "School of origin" is defined to mean the school a student experiencing homelessness attended when last permanently housed or was most recently enrolled in, including preschool, and also includes the next grade level in the feeder cluster.

4. "Student experiencing homelessness" is defined to mean a child or youth who is eligible to attend FCPS and lacks a fixed, regular, or adequate nighttime place of residence, whether or not the temporary housing is located in Frederick County, including:
   a. Students 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 lack of alternative adequate accommodations; are living in emergency or transitional shelters, also referred to as transitional housing; or are abandoned in hospitals;
   b. 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 individuals;
c. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus, or train stations, or similar settings; and
d. Migratory students as defined under federal law (20 USC 6399) who qualify as homeless because they are living in the circumstances set forth above.

5. "Unaccompanied youth" is defined to mean a student experiencing homelessness not in the physical custody of a parent.

D. Procedures

1. **Designation of McKinney-Vento Act Liaison and Designee**
   a. The Superintendent designates the Coordinator, McKinney-Vento & Foster Liaison Student Supports, Department of Student Services, as the McKinney-Vento Act
      i. Liaison for FCPS (the "Central Office-Based McKinney-Vento Liaison").
   b. The Central Office-Based McKinney-Vento Liaison may designate an FCPS employee to act as the liaison to an FCPS school (the "School-Based McKinney-Vento Liaison").

2. **General Rights and Standards for Students Experiencing Homelessness and Unaccompanied Youth Eligible Under the McKinney-Vento Act**
   a. **Identification**
      i. The identification process occurs annually.
      ii. School-based staff and administrators must review student records and other information to identify homelessness.
      iii. If homelessness is confirmed, staff must promptly notify the School-Based or Central Office McKinney-Vento Liaison.
      iv. The School-Based or Central Office McKinney-Vento Liaison will confirm status and complete the enrollment process.
      v. The School-Based or Central Office McKinney-Vento Liaison is also expected to work with Child Find to identify younger children who may need services.
   b. **Continued Eligibility**
      i. Students who are identified and determined to meet the eligibility criteria remain eligible for rights and services through the end of the school year (June 30) in which they are found eligible.
      ii. Students who obtain permanent housing during the school year may continue receiving services until June 30 of that same year.
   c. **School Placement**
      i. A school placement determination for a student experiencing homelessness must be made according to the student's best interest.
      ii. **Right to Remain.** The student shall be:
         1. Allowed to continue attending the school of origin for the duration of homelessness:
            a. If homelessness occurs between academic years or during an academic year; and
            b. For the remainder of the academic year if the student becomes permanently housed during that year; or

2. Enrolled in the school serving the attendance area where the student is currently living, even if that school has been designated a "closed school," in accordance with applicable Board policies and FCPS regulations.

d. **Best Interest Determinations**

i. **Decision Process**

1. The school-based administrator shall consult with the School-Based or Central Office-Based McKinney-Vento Liaison and the Office of Student Services to determine the school placement that is in the best interest of the student experiencing homelessness or the unaccompanied youth.
2. Best Interest Determination Meetings may be either informal or formal.
3. A Best Interest Determination ("BID") form should be completed by an administrator (*i.e.*, school principal, assistant school principal ["AP"], or Pupil Personnel Worker ["PPW"]), the school-based McKinney-Vento liaison and the parent of the student experiencing homelessness or the unaccompanied youth.

ii. **Placement Considerations**

1. A placement determination shall be made regardless of whether the student experiencing homelessness or the unaccompanied youth lives with homeless parents or has been temporarily placed elsewhere.
2. The following shall be considered when making this determination:
   a. Transportation issues;
   b. Enrollment delays caused by residency requirements;
   c. Lack of available records normally required for enrollment such as birth certificates, previous school records, immunization records, medical records, proof of residency, or other documentation;
   d. Guardianship issues;
   e. Uniform or dress code requirements;
   f. Outstanding fees or fines;
   g. Issues related to absences; and
   h. Opportunities to meet the same challenging State student academic achievement standards to which all students are held.
   i. The presumption that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;
   j. Giving priority to the request of the parent, guardian, or unaccompanied youth
   k. Student-centered factors related to the child's or youth's best interest, including:
      i. Factors related to the impact of mobility on:
         1. Achievement;
         2. Education;
         3. Health; and
         4. Safety of homeless children and youth;
         5. The student's age;
      ii. The school which the student's siblings attend;

iii. The student's experiences at the school of origin;
iv. The student's academic needs;
v. The student's emotional needs;
vi. Any other special needs of the family;
vii. Continuity of instruction;
viii. Length of stay in the shelter;
ix. The likely location of the family's future permanent housing;
x. Time remaining in the school year;
xi. Distance of commute and the impact it may have on the student's education and other student-centered, transportation-related factors; and
xii. The safety of the child.

3. This determination must be communicated in a manner and format understandable to the parent of the student experiencing homelessness or the unaccompanied youth, and must include information on their right to appeal the decision to the Superintendent.

e. **Enrollment**
   i. The school determined to be in the best interest of the student experiencing homeless or the unaccompanied youth shall immediately enroll the student, even if the student is unable to produce the records normally required for enrollment, such as school records, birth certificates, immunization records, and guardianship records.
   ii. The enrolling school shall immediately contact the school of origin to obtain relevant academic, medical, and other records.
   iii. If the student experiencing homelessness or the unaccompanied youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or the unaccompanied youth to the School-Based or Central Office-Based McKinney Vento Liaison, whichever is appropriate, who shall facilitate obtaining the necessary immunization, immunization or medical records, or exemption from immunization documentation.
   iv. Schools may request additional support from the Office of Student Services as necessary regarding the enrollment of the student experiencing homelessness or the unaccompanied youth.

f. **Transportation.** Under the McKinney-Vento Homeless Act, a homeless student may reside temporarily outside of an FCPS school of origin. In such case, FCPS and the county in which the student is residing shall determine how to divide the responsibility and cost of providing transportation, or they may share the responsibility and cost equally.

g. **Fees**
   i. Fees needed for extracurricular activities and athletics will be waived if participation will promote student success.
   ii. All other student-related fees are addressed in FCPS Regulation 500-33, *School Supplies / Materials and Instructional Fees*.

h. **Graduation Requirements.** A student experiencing homelessness or an unaccompanied youth who enrolls in FCPS in their junior year is exempt from locally established graduations requirements unless the school principal determines that the

student is reasonably able to complete the locally established graduation requirements in time to graduate from high school.

i. **Student Records**
   i. Details about a student's living situation—whether in the form of information, documentation, or both—are considered part of the student's educational record.
   ii. These records are protected under all applicable federal and State laws, including the Family Educational Rights and Privacy Act ("FERPA") and the Maryland Public Information Act ("MPIA"), relevant State regulations, Board Policy 421, *Student Education Records*, and FCPS Regulation 400-20, *Student Records*.

j. **Dispute Resolution**
   i. **Right to Dispute.** Any parent of a student experiencing homelessness or any unaccompanied youth may dispute a decision regarding the student's or unaccompanied youth's:
      1. Eligibility under McKinney-Vento;
      2. School selection; or
      3. Enrollment.
   ii. **Enrollment During Dispute.** Pending resolution of a dispute, including all available appeals, the student experiencing homelessness or the unaccompanied youth shall:
      1. Be immediately enrolled in the school in which enrollment is sought;
      2. Receive all services for which they are eligible; and
      3. Be provided with transportation to/from the school for the duration of the dispute resolution process.

3. **Responsibilities of the Central Office-Based McKinney-Vento Liaison.** The Central Office-Based McKinney-Vento Liaison is responsible for:
   a. Ensuring that students experiencing homelessness and their families are identified by school personnel through outreach and coordination with community agencies and other entities.
   b. Ensuring that the public notice of the educational rights of students experiencing homelessness, their parents, and unaccompanied youth is disseminated in locations those populations (*e.g.*, schools, shelters, public libraries, soup kitchens, community agencies) in a manner that is clear and understandable.
   c. Coordinating and collaborating with the Maryland State Department of Education ("MSDE") McKinney-Vento Coordinator and community and school personnel responsible for the provision of education and related services to students experiencing homelessness. This includes providing the State Coordinator with data needed for public reporting and federal compliance on the identification, access, participation, and academic progress of homeless children and youths.
   d. Ensuring that identified students experiencing homelessness are enrolled in FCPS system schools and have a full and equal opportunity to succeed.
   e. Ensuring that enrollment disputes are mediated in accordance with sections D(2)(j) and D(4) of this Regulation, and consistent with applicable federal and State laws and regulations.
   f. Expediting school placement decisions.
   g. Assisting unaccompanied youth in the school selection process.

h. Ensuring that students experiencing homelessness have access to and receive educational services for which they are eligible, including:
    i. Services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.);
    ii. Early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.); and
    iii. Other preschool programs administered by FCPS.
i. Working with Title I administrators to ensure that Title I services are provided in accordance with the reservation of funds required by McKinney-Vento Act.
j. Coordinating programs and services to prevent duplication of services.
k. Monitoring programs and projects to ensure their compliance with applicable statutory and regulatory requirements, if FCPS receives funds under the McKinney-Vento Act.
l. Informing the parents of students experiencing homelessness of the educational and related opportunities available to their children.
m. Ensuring that the parents of students experiencing homelessness are provided with meaningful opportunities to participate in the education of their children, including documenting efforts to inform and engage them through multiple communication methods (*e.g.,* phone, email, in-person, or virtual meetings).
n. Ensuring that the parent of a student experiencing homelessness, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school that is selected under paragraph D(2)(c) and (d).
o. Ensuring and coordinating referrals of students experiencing homelessness to health care, dental, mental health, substance abuse, housing, and other appropriate services.
p. Developing and implementing training and professional development programs for school personnel on the educational rights, identification, services, and special needs of students experiencing homelessness.
q. Ensuring that unaccompanied youths:
    i. Are enrolled in school;
    ii. Have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through the implementation of procedures required under 42 USC § 11432(g)(1)(F)(ii); and
    iii. Are informed of their status as independent students under 20 USC § 1087vv, and may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid, per 20 USC § 1090.

4. **Dispute Resolution and Appeal Process**
    a. **Complaint Form and Methods of Submission**
        i. Complaints must be submitted in writing.
        ii. Complaints may be submitted by the parent of a student experiencing homelessness or the unaccompanied youth. Complaints may be submitted by any of the following methods:
            1. Hardcopy (delivered to the school or Central Office).
            2. Email.
            3. US Mail.

b. **Responsibilities of School-Based Administrators.** School-based administrators are expected to take the following steps to promptly respond to complaints made under D(2)(j):
   i. Provide written acknowledgment of receipt of the complaint within 2 business days.
   ii. Notify the Central Office-Based McKinney Vento Liaison.
   iii. Investigate the nature of the complaint in consultation with the Central-Office Based McKinney-Vento Liaison and the Office of Student Services.
   iv. Collaborate with the appropriate parties to address and resolve the complaint in a timely and equitable manner, ensuring that any barriers to the student's rights or services under the McKinney-Vento Act are removed.
   v. Provide a written determination of the decision no later than five (5) school days after receipt of the complaint. This determination must be communicated in a manner and format understandable to the parent of the student experiencing homelessness or the unaccompanied youth, and must include information on their right to appeal the decision to the Superintendent.

c. **Failure to Issue a Timely Decision.** If the school-based administrator does not issue a written determination within five (5) school days of receiving the complaint, the parent or unaccompanied youth may file a written complaint directly with the Superintendent, as outlined in subsection D(4)(f) below.

d. **Responsibilities of Central Office-Based McKinney-Vento Liaison**. The Central Office-Based McKinney-Vento Liaison is expected to:
   i. Consult with the school-based administrator and, if needed, the Office of Student Services to promptly resolve the complaint made under this section.
   ii. Ensure the parent of the student experiencing homelessness or the unaccompanied youth is provided with the written determination in a timely manner.
   iii. Ensure the parent of the student experiencing homelessness or the unaccompanied youth is provided with notice of appeal rights.

e. **Responsibilities of the Office of Student Services**. The Office of Student Services is expected to be available for consultation as needed.

f. **Appeals**
   i. If the parent or unaccompanied youth is dissatisfied with the school-based administrator's decision, or if no decision is issued within five (5) school days, they may file a written appeal with the Superintendent.
   ii. **Responsibilities of Superintendent or their Designee**
      1. Upon receipt of the appeal, the Superintendent may designate an appropriate individual to review and investigate the matter.
      2. The Superintendent or their designee shall issue a written determination no later than ten (10) school days after receiving the appeal. The determination must be provided in a format that is understandable to the parent, guardian, or unaccompanied youth, and must include information about their right to appeal the decision to the Board under Section 4-205(c) of the Education Article of the Maryland Annotated Code, and in accordance with Board Policy 105, *Appeal and Hearing Procedures*.

E. Related Information

1. **Board Policy**
   a. Policy 105, *Appeal and Hearing Procedures*
   b. Policy 200, *School Attendance Areas and Redistricting*
   c. Policy 404, *Student Rights and Responsibilities*
   d. Policy 405, *Graduation*
   e. Policy 421, *Student Education Records*
   f. Policy 430, *Attendance and Enrollment*
   g. Policy 440, *Charter Schools*
   h. Policy 441, *Transportation of Students*
   i. Policy 444, *Educational Equity and Excellence*

2. **Code of Maryland Regulations (COMAR)**
   a. COMAR 13A.05.09, *Programs for Homeless Children*

3. **External Resources**
   a. National Association for the Education of Homeless Children and Youth "McKinney-Vento Explained" Webpage
   b. **Maryland State Department of Education (MSDE) Publications**
      i. MSDE. (2024-2025). *Immediate Enrollment Flowchart Under the McKinney-Vento Act and Code of Maryland Regulations (COMAR)*
      ii. MSDE. (Updated June 2025). *McKinney-Vento Best Interest Determinations Frequently Asked Questions*
   c. Maryland State Department of Education (MSDE) Education Assistance for Children and Youth with Unstable Housing (McKinney-Vento) Webpage
   d. US Department of Education. (July 27, 2016). *Education for Homeless Children and Youths Program Non-Regulatory Guidance*

4. **FCPS Regulations**
   a. Regulation 400-20, *Student Records*
   b. Regulation 400-64, *Immunization Program*
   c. Regulation 500-33, *School Supplies / Materials and Instructional Fees*

5. **FCPS Resources**
   a. Find Your School/Feeder Area Webpage
   b. Homeless Education Webpage
   c. Student Code of Conduct and Parent Handbook

6. **Federal Law**
   a. Family Educational Rights and Privacy Act (FERPA)
   b. Head Start Act
   c. Individuals with Disabilities Education Act (IDEA)
   d. McKinney-Vento Homeless Assistance Act (as amended by the Every Student Succeeds Act) (ESSA)
   e. Runaway and Homeless Youth Act

7. **Federal Statutes**

a. 20 USC § 1087vv
b. 20 USC § 1090
c. 20 USC § 6399

8. **Maryland Law**
   a. Maryland Public Information Act

9. **Maryland Statutes**
   a. Md. Code Ann., Educ. § 4-205
   b. Md. Code Ann., Educ. § 7-301

F. Regulation History (Maintained by Legal Services)

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