



EDUCATIONAL STABILITY: SCHOOL ENROLLMENT, MCKINNEY-VENTO, AND FOSTERING CONNECTIONS

I. SCHOOL ENROLLMENT

1. What do you need to enroll a child in school:

Step 1: The child submits the (only) 4 required pieces of enrollment documentation → ONLY 4 = IN THE DOOR. The 4 required pieces of documentation are:

- 1. Proof of age**
- 2. Proof of immunizations required by law**
- 3. Proof of residency**
- 4. Parent registration statement (also known as an “Act 26” form)**

Step 2: The school district MUST enroll the child within 5 business days

- Once the school district receives the 4 required pieces of enrollment documentation, it **MUST** enroll the child and allow the child to start attending school within 5 days business days.
 - The district **SHOULD** allow the child to start attending the next school day if at all possible.
- As soon as a school district receives notice that the child is enrolling (most likely in the form of receipt of enrollment documents), that school district should immediately request and procure the child’s educational records, such as transcripts and IEPs, from the child’s former school district.
 - The former school district must send the child’s education records within 10 business days of its receipt of the records request.

Step 3: The child is placed in school and begins attending

- The child must be placed in the most appropriate educational program based on the information available at the time of enrollment.
 - The district may modify a child’s schedule and/or educational program at a later date upon receiving additional information, such the child’s current IEP or most recent transcript.
- The child will be placed into one of the following placements:

- **A regular education setting**
 - This is the default and should be the placement given to most kids
- **An Alternative Education for Disruptive Youth (AEDY) setting**
 - Only if the child is found to be “currently disruptive” under Pennsylvania law through an appropriate informal hearing OR is currently expelled for a weapons offense.
- **A special education setting, either:**
 - An APS ONLY IF the child’s current IEP places the child there
 - A regular education setting with all the special education supports required by the child’s current IEP.
 - An AEDY program ONLY IF the student is BOTH found to be “currently disruptive” AND the disruptive behavior is found not to be a manifestation of his or her disability.

2. Additional Enrollment Document Information

THE 4 REQUIRED PIECES OF ENROLLMENT DOCUMENTATION
→ “ONLY 4 = IN THE DOOR”

1. Proof of child’s age

- Acceptable documentation can include (among other documents): a prior school record showing DOB; a birth certificate or a notarized copy of a birth certificate; a notarized statement from a parent or relative stating DOB; a valid passport
 - While it is not expressly given as an option in the BEC “Enrollment of Students,” a child’s DOB is listed on his or her immunization record. If proof of age is delaying a child’s enrollment, you may want to try to persuade the district to accept the immunization record as proof of age.

2. Immunizations required by law

- Acceptable documentation can include: the child’s immunization record (often available online); a written statement from the former school district or from a medical office that the required immunizations have been administered or that a required series is in progress; or verbal assurances from the former school district or a medical office that the required immunizations have been completed, with records to follow

3. Proof of residency

- Acceptable documentation can include: a deed; a lease; current utility bill; current credit card bill; property tax bill; vehicle registration; driver’s license; DOT identification card

- A district may require that more than one form of residency confirmation be provided.
- School districts “should be flexible in verifying residency, and should consider what information is reasonable in light of the family’s situation.”

4. Parent registration statement (also known as an “Act 26” form)

- This is a sworn statement signed by someone “having charge or care of the child” attesting to whether – to the best of his or her knowledge – the student has been or is suspended or expelled for offenses involving drugs, alcohol, weapons, infliction of injury, or violence on school property.
- A school district may not deny or delay a child’s school enrollment based on the information contained in a disciplinary record or in the Act 26 form.
 - However, if – and only if – a child is currently serving an expulsion for a weapons offense, a district may automatically enroll that child in an Alternative Education for Disruptive Youth (AEDY) program for the duration of his or her expulsion without an informal hearing.

DOCUMENTS SCHOOL DISTRICTS CAN ASK FOR, BUT CAN NEVER REQUIRE AS A CONDITION OF ENROLLMENT

- **Education Records**
 - **“Enrollment Documents” are NOT the same as “Education Records,” and “Education Records” may NOT delay a child’s enrollment in school.**
 - Although schools may (and should!) request “education records” such as academic records, transcripts, attendance records, and IEPs (and *should* request them), districts may NOT require these documents as a condition of enrolling or admitting a child, and may NOT delay a child’s enrollment or attendance until these documents are provided.
 - If a child’s “education records” are still missing at the time of enrollment, the school district must place the child in the most appropriate education program possible based on the information available at that time.
 - The district may modify a child’s schedule and/or educational program at a later date upon receiving additional information.
- **Court Orders**
 - **School districts may NEVER request (or require) a court order placing a child in his or her current placement.**
 - The only court orders a school district MAY request (though NEVER as a condition of enrollment) are:
 - A redacted TPR order when applicable
 - (For accounting purposes)

- A GAL order of appointment
- An Educational Guardian order of appointment
 - When that guardian is requesting information from the district and/or wants to make educational decisions
- **Home Language Survey**
 - School districts are required to administer a “home language survey” to determine students’ first language, spoken languages, and languages used at home. However, school districts may NOT delay a child’s enrollment on account of this survey.

DOCUMENTS SCHOOL DISTRICTS CAN NEVER ASK FOR, WHETHER OR NOT AS A CONDITION OF ENROLLMENT

- Medical or dental records
- Social security number or card
- Immigration status
- Reason for a child’s placement if not living with parents
- Court order placing a child in his or her current placement

3. Trouble Shooting – What To Do if Enrollment Problems Arise

1. **File an enrollment complaint with the Department of Education as described in the BEC “Enrollment of Students.”**
 - Call Dan Iser at the School Services Unit of the Office of Elementary and Secondary Education at the Pennsylvania Department of Education at 717.783.8088 or via email at diser@state.pa.us.

II. EDUCATIONAL STABILITY: FOSTERING CONNECTIONS

1. Fostering Connections Overview

- **Who does the Act apply to?** The Fostering Connections Act applies to all children in out-of-home care.
- **What does the Act do?** With regard to education, the Fostering Connections Act entitles eligible children to remain in their current schools, even when they change placements.
- **How is the school placement decision made, and who makes it?** Unless it is not in their best interest, the child welfare agency must work with school districts to *ensure* that

children remain in their school at the time of placement. The child welfare agency makes the final decision.

- **“Immediate” enrollment – but documents are still required!** If it is not in their best interest for children to remain in their school at the time of placement, the child must be granted “immediate” enrollment in the new school district. However, all enrollment documents are still required; the child welfare agency and school districts must work together to expedite children’s enrollment and new districts’ receipt of education records as much as possible, but are not required to bend rules or make exceptions in doing so.
- **Who provides transportation when children remain in their school at the time of placement?** While school districts *can* pay for the transportation of kids attending schools in different districts under the Fostering Connections Act, child welfare agencies may also pay for this transportation and *should* pay for it if the districts are not paying.

2. Trouble Shooting – What to Do if Fostering Connections Problems Arise

IF A SCHOOL IS IMPROPERLY REFUSING TO ENROLL CHILD OR ALLOW CHILD TO REMAIN:

1. **File an enrollment complaint with the Department of Education as described in the BEC “Enrollment of Students.”**
 - Call Dan Iser at the School Services Unit of the Office of Elementary and Secondary Education at the Pennsylvania Department of Education at 717.783.8088 or via email at diser@state.pa.us.

3. Additional Fostering Connections Information with Citations

WHAT THE FOSTERING CONNECTIONS ACT DOES

- **The Fostering Connections Act applies to all children in out-of-home care and allows children to continue to attend their school at the time of placement**
 - This includes the school children are attending at the time of their first out-of-home placement *as well as at the time of any subsequent placements while they remain in care* (this is different from McKinney-Vento, which only entitles children to remain in their home school, not in the interim schools they may switch to while in homeless).
 - The Act also requires child welfare agencies and school districts to “coordinate . . . to ensure” that children in foster care who are changing placements either (1) remain in their current schools unless this is not in their best interest, or (2) are “immediate[ly]” enrolled in a new school.

HOW SCHOOL PLACEMENT DECISIONS ARE MADE

- **Unless it is not in their best interest, the child welfare agency must coordinate with school districts to ensure that children remain in their school at the time of placement.**
 - The child welfare agency makes the final best interests determination. (See “Foster Care & Education Q & A: How Fostering Connections and McKinney-Vento Can Support School Success For All Children in Out of Home Care”p.3)
 - Best practice suggests that the agency should consult the staff of the education agency/ies and/or other people who know the child in making this decision.

“IMMEDIATE” ENROLLMENT BUT ENROLLMENT DOCUMENTS STILL REQUIRED

- **If it is not in their best interest for children to remain in their school at the time of placement, the child welfare agency and the school districts must provide for immediate enrollment, with all education records of the child provided to the new school.** (See “Foster Care & Education Q & A: How Fostering Connections and McKinney-Vento Can Support School Success For All Children in Out of Home Care” p.2)
 - Fostering Connections does NOT provide for enrollment without required enrollment documents (unlike McKinney-Vento), but enrollment is still supposed to be “immediate” and therefore as expedited as possible.

TRANSPORTATION

- **While school districts can pay for the transportation of kids attending schools in different districts under the Fostering Connections Act, child welfare agencies may also pay for this transportation and should pay for it if the districts are not paying.**
 - Child welfare agencies are required to ensure that when it is in a child’s best interest to remain in the same school, he or she remains in that school. (See “Foster Care & Education Q & A: How Fostering Connections and McKinney-Vento Can Support School Success For All Children in Out of Home Care” p.4)
 - In order to comply with this requirement, it is often necessary for child welfare agencies to provide transportation.
- **Transportation under the Fostering Connections Act should be arranged as soon as possible to avoid interruptions in school attendance and ensure educational stability.**
 - In practice, this means that transportation should be provided within 1-2 days of a child’s arrival in a new school district.

III. EDUCATIONAL STABILITY: MCKINNEY-VENTO

1. McKinney-Vento Overview

- **Who does the Act apply to?** The McKinney-Vento Act applies to all children “awaiting foster care placement” (and all other “homeless” children). We argue that foster kids in

temporary shelter placements (such as 30-day placements) are “awaiting foster care placement” and thus McKinney-Vento eligible.

- **What does the Act do?** The McKinney-Vento Act entitles eligible children to EITHER continue their education in the school district they were enrolled in prior to becoming homeless (the “district of origin”) OR enroll in any public school that non-homeless students who live in the area in which the child is currently living are eligible to attend.
- **How is the placement decision made, and who makes it?** The decision of whether a child should remain in his or her school of origin is made according to the child’s best interests; the default placement is the child’s school of origin, but the McKinney-Vento liaison and the parent/guardian make the final decision. If a dispute arises over school selection or enrollment, the child must be immediately admitted to the school in which he/she is seeking enrollment, pending resolution of dispute, and the parent/guardian must be provided with a written explanation of the school’s decision on the dispute, including the right to appeal.
- **“Immediate” enrollment – no documents required** When enrolling in new school districts, McKinney-Vento eligible children are entitled to be enrolled “immediately,” even if they lack documents normally required for enrollment. In practice, the child should be enrolled and attending school within 1-2 days of eligible children’s arrival in a new district.
- **Who provides transportation when children remain in their home districts?** It is the shared responsibility of the district of origin and the district of temporary residence to arrange and pay for transportation when McKinney-Vento eligible children remain in their school home schools. In practice, transportation should be provided with 1-2 days of eligible children’s arrival in a new school district.

2. Trouble Shooting – What To Do if McKinney-Vento Problems Arise

IF THE SCHOOL OF ORIGIN IS IMPROPERLY REFUSING TO ALLOW CHILD TO REMAIN, OR THE DISTRICT OF TEMPORARY RESIDENCE IS IMPROPERLY REFUSING TO ENROLL CHILD:

1. **Call the school and ask to speak to the McKinney-Vento Liaison.**
 - Explain the problem, referencing the BEC “Education for Homeless Youth” when appropriate.
 - Follow reasonable steps suggested/instructed.
2. **Call the District McKinney-Vento Liaison.** Can be located here → <http://homeless.center-school.org/HomelessDirectory/Main.aspx>
 - Explain the problem, referencing the BEC “Education for Homeless Youth” when appropriate.
 - Offer to send district’s written explanation of the school’s decision on the dispute.
 - If necessary, send a letter.
 - If necessary, send BEC. Consider highlighting or underlining key sections.

- Follow reasonable steps suggested/instructed.
3. **Call the McKinney-Vento Regional Homeless Site Coordinator.** Can be located here → <http://homeless.center-school.org/HomelessDirectory/Main.aspx>
 - Explain the problem, referencing the BEC “Education for Homeless Youth” when appropriate.
 - Offer to send district’s written explanation of the school’s decision on the dispute.
 - If necessary, send a letter.
 - Follow reasonable steps suggested/instructed.
 4. **Call the PDE’s Education for Homeless Children and Youth Program at (717) 783-6468.**
 - Explain problem, referencing BEC “Education for Homeless Youth” when appropriate.
 - Offer to send district’s written explanation of the school’s decision on the dispute.
 - Follow reasonable steps suggested/instructed.
 5. **Call the State Coordinator of Education for Homeless Children and Youth Programs.** Can be located here → <http://homeless.center-school.org/HomelessDirectory/Main.aspx>
 - Explain problem, referencing BEC “Education for Homeless Youth” when appropriate.
 - Offer to send district’s written explanation of the school’s decision on the dispute.
 - Explain what steps have already taken to solve problem.
 - Follow reasonable steps suggested/instructed.

3. Additional McKinney-Vento Information with Citations

THE DEFINITION OF “AWAITING FOSTER CARE PLACEMENT”

- **PDE changed the definition of “awaiting foster care placement” to the following:**
 - **“[A]waiting foster care placement[]’ . . . means children who are placed in shelters, emergency foster care, transitional foster care or respite care. These placement settings are intended to be short term, and do not typically last longer than 30 days. However, individual circumstances may, at times, require a longer length of stay. If the placement exceeds 30 days, contact should be made with the child welfare worker and the local McKinney-Vento Coordinator to determine if there is any valid reason to conclude that the child is still ‘awaiting foster care placement.’”** (See BEC “Education for Homeless Youth” p.1) (emphasis added)
 - So, there is a suggestion that a child in a temporary placement for more than 30 days is often no longer McKinney-Vento eligible.
 - **However, it is also clear that when temporary placements go beyond 30 days, the school should not to make a unilateral decision that the child is no longer McKinney-Vento eligible, but instead should consult the child welfare agency in arriving at a decision.**

- **This definition is broader than the previous definition and contains no language about “adjudication.”**
 - The *previous* definition contained the language implying that all children who are adjudicated dependent are not McKinney-Vento eligible, but this language is *not* in the new BEC.
 - Thus if a school district tries to use the adjudication language, we can inform them that that language is outdated and no longer a part of the BEC.

WHAT THE MCKINNEY-VENTO ACT DOES AND HOW PLACEMENT DECISIONS ARE MADE
--

- **A McKinney-Vento eligible child may continue his or her education in the school of origin OR may be enrolled in any public school that non-homeless students who live in the area in which the child is actually living are eligible to attend. (See BEC “Education for Homeless Youth” p.2)**
 - While it is probably in the best interest of most kids to continue their education in their home school, it may be best for some kids to begin attending school in the district in which they are currently living.
- **The decision of whether a child should remain in his or her school of origin is made according to the child’s best interests; the McKinney-Vento liaison and the parent/guardian make the final decision, but the decision should be collaborative and involve school personnel, the child welfare agencies, and other individuals such as the child and the child’s attorney. The decision should also take into account the importance of school stability for children in out-of-home care.**
 - **“Communication and collaboration among education and child welfare professionals is critical to support school stability and continuity for children in out-of-home care.** The law requires child welfare and local education agencies to work together to promote school stability and continuity including trying to ensure children remain in the school in which they were enrolled at the time of placement when it is in their best interest. **Best practice would suggest that decisions be made collaboratively between school personnel, child welfare agencies and any other individual involved in the child’s case including the child, resource parent, child advocate and attorney.** It is imperative that caseworkers and school district administration and staff work together to help ensure the educational progress of all students.” (See BEC “Education for Homeless Youth” p.2) (emphasis added)
 - Note, this is new language is from the new BEC. School districts may not be aware of the new language, and it may be worth alerting them to it.
 - **McKinney-Vento eligibility for children “awaiting foster care placement” should be determined on a case-by-case basis.**
 - “Local school officials should consult with their Pennsylvania Homeless Children’s Initiative Regional, Site, and State Coordinators, whenever necessary to determine, on a case-by-case basis, whether a child is

‘awaiting foster care placement.’” (See BEC “Education for Homeless Youth” p.2)

- Note, this is also new language from the new BEC.
- **The default is to keep a homeless child in the school of origin**, except when doing so is contrary to the wishes of the child’s parent or guardian. (See BEC “Education for Homeless Youth” p.5).
- The Local Educational Agency (LEA) should comply, to the extent feasible, with the request made by a parent/guardian regarding school selection. (See BEC “Education for Homeless Youth” p.5).
- If a dispute arises over school selection or enrollment, the child must be immediately admitted to the school in which he/she is seeking enrollment, pending resolution of dispute, and the parent/guardian must be provided with a written explanation of the school’s decision on the dispute, including the right to appeal. (See BEC “Education for Homeless Youth” p.9)

“IMMEDIATE” ENROLLMENT WITHOUT ENROLLMENT DOCUMENTS

- **The school selected for enrollment must enroll the child *immediately* even if the child lacks documents normally required for enrollment.** (See BEC “Education for Homeless Youth” p.5)
 - A McKinney-Vento eligible child’s enrollment cannot be delayed due to lack of *any* of the 4 required enrollment documents (proof of age, residency, immunizations, and a signed Act 26 form). Of course, it also cannot be delayed due to lack of any other documents.
- **The terms “enroll” and “enrollment” in this context include attending classes and participating in school activities, so there is no grace period during which a school may claim that a child is “enrolled” but not yet eligible to attend. Actual attendance must occur “immediately.”** (See BEC “Education for Homeless Youth” p.5)
 - Practically speaking, “immediately” means within **1-2 days** of a child’s arrival in a new school District.

TRANSPORTATION

- **Transportation under the McKinney-Vento Act should be arranged as soon as possible in order to meet the requirement of “immediate” school enrollment and attendance in the appropriate school district.** (See BEC “Education for Homeless Youth” p.5)
 - In practice, this means that transportation should be provided within **1-2 days** of a child’s arrival in a new school District.
- **Under the McKinney-Vento Act, the burden is on the districts, not the shelter or foster home or group home, to provide transportation.** (See BEC “Education for Homeless Youth” p.6)

- A child’s placement should contact the district of residence to alert that district to the need for transportation, and then that district should immediately arrange the transportation, possibly in collaboration with the district of origin. The placement should *not* have to also contact the district of origin, nor should the placement be responsible for setting up communication between the two districts.

IV. HELPFUL EDUCATIONAL STABILITY MATERIALS

- 1. Pennsylvania Department of Education Basic Education Circular (BEC) titled “Education for Homeless Youth”**
 - Available at: http://www.votespa.com/portal/server.pt/community/basic_education_circulars/7497
 - General reference point for all McKinney-Vento issues
 - Discusses statute, who is eligible, rights of kids and parents, obligations of districts, and dispute resolution procedures
- 2. Pennsylvania Department of Education Basic Education Circular (BEC) titled “Enrollment of Students”**
 - Available at: http://www.education.state.pa.us/portal/server.pt/community/basic_education_circulars/7497
- 3. Foster Care & Education Q & A: How Fostering Connections and McKinney-Vento Can Support School Success For All Children in Out of Home Care**
 - Available at: http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/qa_fc_and_mv_overlap_final.authcheckdam.pdf
 - 4-page document synthesizing the differences and similarities between Fostering Connections and McKinney-Vento, including information about who is protected and the rights provided under each statute
- 4. Pennsylvania Homeless Children’s Initiative Directory**
 - Available at: <http://homeless.center-school.org/HomelessDirectory/Main.aspx>
 - One document lists state and regional McKinney-Vento contacts; another document lists all district McKinney-Vento liaisons
- 5. Website – Homeless Children’s Education Fund**
 - Available at: <http://www.homelessfund.org/>
 - McKinney-Vento resources from a local Allegheny County organization.
- 6. Website – “Fosteringconnections.org: Supporting Implementation of the Fostering Connections to Success and Increasing Adoptions Act”**
 - Available at <http://www.fosteringconnections.org/>
 - A large amount of resources relating to Fostering Connections, including information about both the educational and non-educational portions of the Act.