



Sample
Checklist
Inside

Is Your District Adequately Sheltering the Rights of Homeless Students?

We live in the most prosperous country in the world, so it might be easy to forget that a significant segment of the population does not share in our overall prosperity. Our economy has recovered from the 2008 global financial meltdown. However, the ripple effect of that crisis is arguably still present today in the significant number of homeless, including homeless students and youth. Ongoing economic challenges, such as lack of affordable housing, coupled with many other factors, have driven the number of homeless students in public schools to record levels in New York City¹, Washington

¹ "Homelessness in New York Public Schools Is at a Record High: 114,659 Students," New York Times, October 15, 2018, available at <https://www.nytimes.com/2018/10/15/nyregion/homeless-students-nyc-schools-record.html>.

State², San Diego County, California³, and the District of Columbia.⁴ Meanwhile, other communities have opened their school doors to accommodate homeless and displaced students due to natural disasters such as

² "Homeless student population hits all-time high in Washington," available at <http://mynorthwest.com/952518/washington-homeless-student-2017/>.

³ "San Diego County homeless student count reaches record high. But how real are the numbers," iNewsSource, February 13, 2018, available at <https://inewsource.org/2018/02/13/homeless-student-count/>.

⁴ "More than 6,000 homeless D.C. kids head to school this year. Here's the first day through one of their eyes," Washington Post, August 20, 2018, available at https://www.washingtonpost.com/local/education/it-feels-great-to-go-back-the-districts-students-return-to-school/2018/08/20/e2d4f528-a491-11e8-8fac-12e98c13528d_story.html?utm_term=.3fab84321af0.

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Hurricane Michael⁵, Hurricane Florence⁶, and the Camp fire in Northern California⁷. More than a year after 2017's Hurricane Harvey prompted mass evacuations, many homeless and displaced students will not be returning to their former school districts at all⁸.

McKinney-Vento Homeless Assistance Act was passed in 1987 to address the significant needs of homeless students – and Congress reauthorized and strengthened this legislation in 2015 through the Every Student Succeeds Act (“ESSA”). Litigation to enforce students’ rights continue to be filed when school districts fail to abide by the commands of McKinney-Vento. Lawsuits presented in 2018 against Georgia’s Henry County School District⁹ and a St. Louis County, Missouri school district¹⁰ allege various types of violations including barriers to enrollment, zero-tolerance suspension policies, and wrongful disenrollment.

How can school districts remain vigilant concerning their obligations under McKinney-Vento? SLRMA’s newly revised resource, *Serving Homeless Students 2018 Update*, aims to help school districts stay in line with current polices and U.S. Department of Education guidance. This checklist addresses the key topics of identification of homeless students, handling disputes, and provision of services.

5 “Homeless student population at an all-time high,” WJHG-TV, December 5, 2018, available at <https://www.wjhg.com/content/news/Homeless-students-at-an-all-time-high-502021291.html>.

6 “Onslow County Schools prepared to help displaced students,” WCTI12-TV, October 15, 2018, available at <https://wcti12.com/weather/hurricane-stories/onslow-county-schools-prepared-to-help-displaced-students>.

7 “Plans come into focus for California schools ravaged by wildfires,” EdSource, November 28, 2018, available at <https://edsources.org/2018/plans-come-into-focus-for-schools-ravaged-by-wildfires/605409>.

8 “Hundreds of Texas students affected by Hurricane Harvey found new schools,” The Caller Times, April 7, 2018, available at <https://www.caller.com/story/news/education/2018/04/06/texas-students-displaced-hurricane-harvey-have-found-new-homes/1011921001/>.

9 “Mother fights to keep kids in Henry County schools,” Atlanta Journal-Constitution, October 2, 2018, available at <https://www.ajc.com/news/local/mother-fights-keep-kids-henry-county-schools/O6Tby9ns4J7XEQgSdrNYVK/>.

10 “Federal suit says Riverview Gardens violates rights of homeless students,” St. Louis Post-Dispatch, August 13, 2018, available at https://www.stltoday.com/news/local/crime-and-courts/federal-suit-says-riverview-gardens-violates-rights-of-homeless-students/article_b4bc6cea-d1c8-545a-b324-57df978f0349.html.

“Families usually fear a couple of things- that we’re going to tell them they have to switch schools, or they’re afraid child protections is going to get involved if they’re homeless.”

– Alicia Place, social worker for School District of LaCrosse, Wisconsin

Source: “Kids in crisis: How schools are helping homeless students,” WKBT-TV, La Crosse, Wisconsin, October 17, 2018, available at <https://www.news8000.com/news/kids-in-crisis-how-schools-are-helping-homeless-students/808910535>.

Fast Facts:

1.3 million

Homeless children and youths enrolled in U.S. public schools

30.6%

Homeless students scoring at or above proficient scores on reading assessments

25.4%

Homeless students scoring at or above proficient scores on mathematics assessments

18%

Homeless children and youths with disabilities

Source: National Center for Homeless Education, “Federal Data Summary School Years 2013-2014 to 2015-2016,” available at <https://nche.ed.gov/wp-content/uploads/2018/11/data-comp-1314-1516.pdf>.

Recent Updates from the Newsroom Available on SLRMA.org

Department of Education Revises Its Civil Rights Investigation Processes

November 28, 2018

The U.S. Department of Education's Office of Civil Rights released a revised Case Processing Manual (CPM) on November 19, 2018. The CPM sets forth the procedures OCR uses with respect to investigations into violations of the civil rights laws that OCR enforces. Among the key changes are a reversal of March 2018 policies that (1) eliminated appeals from rulings of insufficient evidence that a violation occurred and (2) allowed OCR to dismiss cases deemed an "unreasonable burden" on OCR resources. Schools should carefully consider these and other important changes to the CPM when responding to OCR complaints. Read about these changes as well as others by downloading the revised CPM.

Proposed Title IX Rule concerning Sexual Harassment and Assault Released for Public Comment

November 20, 2018

The U.S. Department of Education released its proposed revisions to the Title IX Rule after more than a year of research, deliberation and input gathering. The stated goal for the revisions is to ensure that Title IX grievance proceedings become more transparent, consistent, and reliable in their processes and outcomes. The Department issued summary of the proposed revisions. Read the summary to become familiar with the potential changes to handling sexual harassment and assault investigations and grievance proceedings.

Equal Access to Education for Undocumented Students Checklist 2018 Update

September 25, 2018

In 2017, the Federal government significantly stepped up immigration enforcement and rescinded DACA. These actions have caused school leaders to question the current status of school district obligations to educate undocumented students. SLRMA created this updated checklist to help school districts navigate these recent developments in order to make sure policies and procedures are compliant with federal law.

SLRMA recommends that school districts continuously review their policies and procedures to ensure compliance with McKinney-Vento and to work to provide all homeless students with the opportunity to thrive in school.

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2018 Top 4 Downloads

- 1) Due Process Requirements for Out of School Suspension Checklist
- 2) Transgender and Gender Non-Conforming Student 2018 Update
- 4) Stoneman Douglas Students Complaint
- 4) ADA & Rehabilitation Act Checklist 2018 Update

SLRMA UPDATE | December 2018

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The Mission of the School Leaders Risk Management Association (SLRMA) is to assist public school districts (K-12) with supplemental risk management support. We help you accomplish your own mission of risk avoidance in a number of ways.

- We provide pro-active, timely tools to help prevent unwanted and unwarranted school board legal liability claims.
- We keep members informed of the current legal issues that will likely affect your school district through our work with the Federal Legislation Insurance Committee (FLIC).
- We give members access to special reports featured in our Newsroom. The topics are specific to the School Board Legal Liability school boards face today and will in the future.

Members are equipped with an array of self-audits and checklists to help ensure you are in compliance with the latest requirements and guidelines which govern school boards and school districts. We are a not-for-profit and are governed by a Board of Directors. The Board consists of current Executive Directors of State School Boards Associations.

Checkout slrma.org to see all the benefits of membership.