# Monitoring Criteria and Legal Standards

**MCKINNEY VENTO HOMELESS EDUCATION**

| **Criterion**  **Number** | **Legal Standard** |
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| **MKV 1** | **Homeless Education Liaison**  The district has designated one or more staff persons to serve as liaison for homeless students who is/are able to carry out the described duties.  ESSA: Title IX, Part A, Sec. 722(g)(1)(J)(ii); Sec. 722 (g) (6)(A, B, C, D) |
| **MKV 2** | **Homeless Education Policies and Procedures**  Review and revision of policies to remove barriers to the identification of homeless children and youth and the enrollment and retention of homeless children and youth, including:   1. barriers to enrollment and retention due to outstanding fees or fines, or absences; 2. issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation and guardianship; and 3. identification, enrollment and attendance of homeless children and youths who are not currently attending school.   The school district has adopted policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.  ESSA: Title IX, Part A, Sec. 722(g)(1)(I); Sec. 722(g)(1)(J)(i); Sec. 722(g)(7)(A, B, C) |
| **MKV 3** | **Public Notice of Educational Right of Homeless Children and Youth**  The homeless education liaison ensures that public notice of the educational rights of homeless children and youth is disseminated in locations frequented by parents or guardians of such children and youth and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youth, and unaccompanied youth.  ESSA: Title IX, Part A, Sec. 722(g)(6)(A)(vi) |
| **MKV 4** | **Identification of Homeless Children and Youth**  The homeless education liaison ensures that homeless children and youth are identified by school personnel and through outreach and coordination activities with other entities and agencies.  ESSA: Title IX, Part A, Sec. 722(g)(6)(A)(i) |
| **MKV 5** | **School Stability and School Selection**  **In determining the best interest of the child or youth the district shall:**   1. Presume that keeping the child in the school of origin is in the child or youth’s best interest, except when doing so is contrary to the request of the child or youth’s parent or guardian or (in the case of the unaccompanied youth) the youth; and 2. Consider student-centered factors related to the child or youth’s best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child’s or youth’s parent or guardian, or (in the case of an unaccompanied youth) the youth.   ESSA: Title IX, Part A, Sec. 722(g)(3)(B)(i, ii)  **According to the best interest of the homeless student, the district either**   1. Continues the child or youth’s education in the school of origin for the duration of homelessness in any case in which a family becomes homeless between academic years or during an academic year; and for the remainder of that academic year, if the child or youth becomes permanently housed during an academic year; or 2. Enrolls the student in any public school that non-homeless students who live in the attendance area where the student is actually living are eligible to attend.   ESSA: Title IX, Part A, Sec. 722(g)(3)(A)(i, ii) |
| **MKV 6** | **Immediate Enrollment of Homeless Students**   1. The school where a homeless student is living immediately enrolls the student even if he or she is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other health records, proof of residency, or other documentation; or has missed application or enrollment deadlines during any period of homelessness. 2. The enrolling school immediately contacts the school last attended by the child or youth to obtain relevant academic and other records. 3. If the homeless student needs to obtain immunizations or other required health records, the enrolling school shall immediately refers the parent or guardian (or the student, if an unaccompanied youth) to the homeless education liaison who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records.   ESSA: Title IX, Part A, Sec. 722(g)(3)(C)(i, ii, iii) |
| **MKV 7** | **Transportation**  **Transportation of homeless students to and from the school of origin**   1. The school district has adopted policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the homeless education liaison), to and from the school of origin, in accordance with the following provisions: 2. If the homeless student is continuing to attend his or her school of origin and continues to live in the school district in which the school of origin is located, the student’s transportation to and from the school of origin is provided or arranged by the school district in which the school of origin is located; or 3. If a homeless student is continuing to attend his or her school of origin but living in an area served by another district, the district of origin and the district where the student is living agree on a method to apportion responsibility and costs for transportation to and from the school of origin. If they cannot agree on a method, the responsibility and costs are shared equally.   ESSA: Title IX, Part A, Sec. 722(g)(1)(J)(iii)(I, II)  **Information and assistance with respect to transportation of homeless students**  The homeless education liaison ensures that each homeless student’s parent or guardian, and any unaccompanied youth, is fully informed of all transportation services, including transportation to and from the school of origin, and is assisted in accessing transportation to the school of origin.  ESSA: Title IX, Part A, Sec. 722(g)(6)(A)(viii) |
| **MKV 8** | **Dispute Resolution**  If after conducting a best interest determination based on consideration of the presumption clause, and student-centered factors, the district determines it is not in the best interest to attend the school of origin or the school requested by the parent or guardian or (in the case of an unaccompanied youth) the youth:   1. The student is immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals; 2. The school provides the parent or guardian of the student, or unaccompanied homeless youth is provided with a written explanation of any decision related to school selection or enrollment made by the school, the district, or the state educational agency, including the right of the parent, guardian, or unaccompanied youth to appeal the decision; 3. The student, parent, or guardian is referred to the homeless education liaison, who carries out the dispute resolution process prescribed by the Department of Elementary and Secondary Education and, in the case of an unaccompanied youth, ensures that the youth is immediately enrolled in the school the youth seeks enrollment pending resolution of the dispute; 4. In the case of an unaccompanied youth, ensure that the local homeless liaison assists in placement or enrollment decisions giving priority to the views of the unaccompanied youth and provides notice to the youth of the right to appeal.   ESSA: Title IX, Part A, Sec. 722(g)(3)(B)(iii); (E)(i, ii, iii, iv); (B)(iv) |
| **MKV 9** | **Educational Opportunity**  **Equal educational opportunity for homeless children and youth**  The homeless education liaison ensures that homeless children and youth enroll in, and have a full and equal opportunity to succeed in district schools.  ESSA: Title IX, Part A, Sec. 722(g)(6)(A)(ii)  **Comparability of services for homeless students**  Each homeless child or youth shall be provided with services comparable to services offered to other students in the school including transportation and educational services for which the child meets eligibility criteria such as:   1. Title I services; 2. Educational programs for students with disabilities; 3. Educational programs for English learners; 4. Programs in career and technical education; 5. Programs for gifted and talented students; and 6. School nutrition programs.   ESSA: Title IX, Part A, Sec. 722(g)(4)(A, B, C, D, E)  **Homeless children and youth with disabilities**  For homeless children and youth who have IEPs or 504 plans the LEA shall coordinate the provision of programs for children with disabilities served by the LEA and other involved LEAs.  ESSA: Title IX, Part A, Sec.722(g)(5)(D) |
| **MKV 10** | **Parent Engagement**  The homeless education liaison ensures that parents and guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in their children’s education.  ESSA: Title IX, Part A, Sec. 722(g)(6)(A)(v)  Homeless families and homeless children and youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.  ESSA: Title IX, Part A, Sec. 722(g)(6)(A)(iv) |
| **MKV 11** | **Coordination and Collaboration by the Homeless Education Liaison**  The homeless education liaison shall as part of their duties coordinates and collaborates with state coordinator and community and school personnel responsible for the provision of education and related services to homeless children and youth. Such coordination shall include collecting and providing to the state coordinator with reliable, valid, and comprehensive data.  ESSA: Title IX, Part A, Sec. 722(g)(6)(C)  Each LEA shall coordinate with local social service agencies and other agencies or entities providing services to homeless children and youth and their families including services and programs funded under the Runaway and Homeless Youth Act and transportation, transfer of school records and other interdistrict activities with other LEAs.  ESSA: Title IX, Part A, Sec.722(g)(5)(A) |
| **MKV 12** | **School Records**  The school maintains for each homeless student records, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, so that the records are available, in a timely fashion, when the student enters a new school or school district.  ESSA: Title IX, Part A, Sec. 722(g)(3)(D)  **Privacy**  Information about a homeless child’s or youth’s living situation shall be treated as a student education record, and shall not be deemed to be directory information.  ESSA: Title IX, Part A, Sec. 722 (g)(3)(G) |
| **MKV 13** | **Homeless Status**  A homeless liaison who receives training may affirm, without further agency action by the Department of Housing and Urban Development, that a child or youth who is eligible for and participating in a program provided by the local educational agency or the immediate family of such a child or youth, who meets the eligibility requirements of this Act for a program or service authorized under Title IV is eligible for such program or service.  ESSA: Title IX, Part A, Sec. 722(g)(6)(D) |
| **MKV 14** | **Training and Professional Development for District Staff and Providers**  The homeless education liaison ensures that school personnel providing services under McKinney-Vento receive professional development and other support.  ESSA: Title IX, Part A, Sec. 722 (g)(6)(A)(ix) |
| **MKV 15** | **Access to Services for Homeless Families, Children, and Youth, including Early Education**  Homeless families, children, and youth have access to and receive educational services for which they are eligible, including through Head Start (including Early Head Start programs, early intervention services under IDEA and other preschool programs administered by the LEA).  ESSA: Title IX, Part A, Sec. 722(g)(6)(A)(iii) |
| **MKV 16** | **Unaccompanied Homeless Youth**  The Homeless liaison ensures that unaccompanied homeless youth are   1. enrolled in school; 2. have opportunities to meet the same challenging State academic standards as other children and youth; and 3. are informed of their status a independent students and are provided with verification of their status for FASFA.   ESSA: Title IX, Part A, Sec. 722 (g)(6)(A)(x) |

**FOSTER CARE**

| **Criterion Number** | **Legal Standard and Non-Regulatory Guidance** |
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| **FC 1** | **School Stability and School Selection: Best Interest Determination**  Maintain a child foster care’s enrollment in the school of origin, unless a determination is made that it is not in the child’s best interest to attend the school of origin, which decision shall be based on all factors relating to the child’s best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.  ESSA: Title I, Part A, Sec. 1111(g)1(E)(i) |
| **FC 2** | **Immediate Enrollment of Foster Care Students**  When a determination is made that it is not in the child’s best interest to remain in the school of origin, ensure the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment. The enrolling school shall immediately contact the school last attended by that child to obtain relevant academic and other records.  ESSA: Title I, Part A, Sec. 1111(g)1(E)(ii) |
| **FC 3** | **Foster Care Point of Contact**  Designate a district staff person as the foster care point of contact.  ESSA: Title I, Part A, Sect. 1112(c)(5)(A) |
| **FC 4** | **Transportation**  **Written procedures**  Develop and implement clear written procedures governing how transportation to maintain children in foster care in their schools of origin will be provided, arranged, and funded for the duration of the time in foster care.  ESSA: Title I, Part A, Sect. 1112(c)(5)(B)  **Arrangements and Costs**  Ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner.  ESSA: Title I, Part A, Sect. 1112(c)(5)(B)(i)  Ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if DCF agrees to reimburse the local school district for the cost of such transportation, the local school district agrees to pay for the cost of such transportation or the local school district and DCF agree to share the cost of such transportation.  ESSA: Title I, Part A, Sect. 1112(c)(5)(B)(ii)  Absent other agreements between districts and DCF, the district of origin is responsible for providing transportation to and from the school of origin.  ESE/DCF Joint Guidance |
| **FCG** | **Guidance**  [Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care](https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf)  [Massachusetts ESE and DCF Joint Guidance - Educational Stability for Students in Foster Care](http://www.doe.mass.edu/sfs/foster/guidance.docx) |

**MILITARY CONNECTED STUDENTS**

| **Criterion Number** | **Legal Standard and Guidance** |
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| **MIC 1** | **Data for State Report Card**  Ensure districts collect and report information voluntarily shared about military status. [Each annual state report card is required to provide minimum information, including information on student achievement on the academic assessments at each level of achievement as determined by the state for all students and disaggregated subgroups, including students with the status as a child with a parent who is a member of the Armed Forces on active duty.]  ESSA: TITLE I, Part A, Sect. 1111(h)(1)(c)(ii) |
| **MIC 2** | **Educational Records and Enrollment**  (a) If official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records, pending validation by the official records, as soon as possible.  (b) Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education records from the school in the sending state. Upon receipt of this request, the school in the sending state shall process and furnish the official education records to the school in the receiving state within 10 days or within the time as is reasonably determined under the rules promulgated by the interstate commission.  (c) Compacting states shall give 30 days from the date of enrollment or within the time as is reasonably determined under the rules promulgated by the interstate commission for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations shall be obtained within 30 days or within the time as is reasonably determined under the rules promulgated by the interstate commission.  (d) Students shall be allowed to continue enrollment at the grade level in the receiving state that is equal with the grade level from the local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state at the level validated by an accredited school in the sending state.  M.G.L. Chapter 15E. Sec. 3  [Massachusetts Guidance on the Military Interstate Children’s Compact Commission](https://www.doe.mass.edu/sfs/mic3/guidelines.docx) |
| **MIC3** | **Placement and Attendance**  (a) When a student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state if the courses are offered and space is available. Course placement shall include, but not be limited to, honors, international baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This shall not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.  (b) The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs shall include, but not be limited to: (i) gifted and talented programs; and (ii) English as a second language programs. This shall not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.  (c) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on: (i) the student's current individualized education program; (ii) the requirements of section 504 of the Rehabilitation Act, 29 U.S.C. section 794; and (iii) title II of the Americans with Disabilities Act, 42 U.S.C. sections 12131-12165. The receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or title II plan, to provide the student with equal access to education. This shall not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.  (d) Local education agency administrative officials shall have flexibility in waiving course or program prerequisites or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.  (e) A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from or immediately returned from deployment to a combat zone or combat support posting, may be granted additional excused absences at the discretion of the local education agency superintendent to visit with that parent or legal guardian on leave or preparing for or returning from deployment.  M.G.L. Chapter 15E. Sec. 4  [Massachusetts Guidance on the Military Interstate Children’s Compact Commission](https://www.doe.mass.edu/sfs/mic3/guidelines.docx) |
| **MIC 4** | **Eligibility**  (a) The following shall be required to be eligible for enrollment in the receiving state's school:  (1) special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient to enroll or take any other action requiring parental participation and consent under this compact;  (2) a local education agency shall not charge local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent; and  (3) a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.  (b) State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines; to the extent the children are otherwise qualified.  M.G.L.Chapter 15E. Sec. 5  [Massachusetts Guidance on the Military Interstate Children’s Compact Commission](https://www.doe.mass.edu/sfs/mic3/guidelines.docx) |
| **MIC5** | **Graduation**  (a) To facilitate the on-time graduation of children of military families, local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would otherwise qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.  (b) To facilitate the on-time graduation of children of military families, receiving states may accept exit or end-of-course exams required for graduation from the sending state or national norm-referenced achievement tests or alternative testing, in lieu of testing requirements for graduation in the receiving state; require the student to take scheduled exit test in the receiving state, if the student is able to take the tests prior to the end of grade 12; or accept evidence or information from the sending or receiving district that demonstrates that the student has met the receiving state's graduation standard, either through a transcript of courses taken and grades received from the sending and or receiving district; a portfolio of work samples for the student that addresses the required high school standards; standardized norm-referenced test results in the subject required by the receiving state for graduation; or other relevant information.  (c) To facilitate the on-time graduation of children of military families, should a military student transferring at the beginning or during grade 12 be ineligible to graduate from the receiving local education agency after all alternatives in subsection (b) have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. In the event that either the transferring or receiving state is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student under subsections (a) and (b).  M.G.L. Chapter 15E. Sec. 6  [Massachusetts Guidance on the Military Interstate Children’s Compact Commission](https://www.doe.mass.edu/sfs/mic3/guidelines.docx) |