

Milagros R. Fornell, Associate Superintendent
Curriculum and Instruction

**SUBJECT: PROPOSED PROMULGATION OF NEW BOARD RULE:
 INITIAL READING 6Gx13- 5D-1.011 – EDUCATIONAL
 SUPPORT PROGRAMS FOR HOMELESS STUDENTS**

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
 ENGAGEMENT**

**LINK TO DISTRICT
STRATEGIC PLAN: SEAMLESS PRE-K THROUGH TWELVE CURRICULUM**

Authorization is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the promulgation of a new School Board Rule, 6Gx13- 5D-1.011, Educational Support Programs for Homeless Students, and to incorporate the document, *The Homeless Children and Youth in Transition Policy and Procedures Manual*, by reference and make the document part of the rule. The proposed rule establishes policies governing the education of homeless children and youth as required by the The Stewart B. McKinney-Bruce Vento Homeless Education Assistance Act. As set forth in the McKinney-Vento Act, *SEC. 72. (1): "Each state educational agency 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."*

The Florida Department of Education (FDOE) has directed school districts to develop, review and revise policies aimed at removing barriers for the enrollment and retention of homeless children and youth in schools. The proposed rule adheres to specifications outlined by FDOE in compliance with the McKinney-Vento Act (PL100-77) and the No Child Left Behind (NCLB) Act. Miami-Dade County Public Schools has outlined applicable policies and procedures through the *Homeless Children and Youth in Transition Policy and Procedures Manual* that will assist schools in identifying, enrolling and monitoring attendance for students that may be homeless.

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Through its oversight of homeless education as part of the Comprehensive Student Services Program, the Division of Student Services currently implements *Project Upstart: Children and Youth in Transition Program* to serve homeless children and youth by facilitating school placement and registration and providing educational supplies and materials, after-school tutorial programs, counseling and transportation services. The project also promotes community support through district-wide homeless awareness activities for all students. The proposed rule will formalize the current M-DCPS programs to support education for homeless students, in compliance with specifications outlined by FDOE and as mandated by the McKinney-Vento Act (42 U.S.C. §§11431 – 11436) and Florida Statutes, Section 1003.21 (School Attendance) and Section 1003.22 (School-entry Health Examinations/Immunizations).

Attached are the Notice of Intended Action and the proposed new rule.

Copies of the document, *The Homeless Children and Youth in Transition Policy and Procedures Manual*, will be incorporated by reference and made part of this rule and will be forwarded to the School Board Members under separate cover and will be available for inspection in the Office of Board Recording Secretary, Room 924, and the Citizen Information Center, Room 158, 1450 N.E. 2nd Avenue, Miami, Florida 33132.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the promulgation of new School Board Rule 6Gx13- 5D-1.011, Educational Support Programs for Homeless Students.

There is no additional cost to the District associated with this item

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new School Board Rule 6Gx13- 5D-1.011, Educational Support Programs for Homeless Students, and the document, *The Homeless Children and Youth in Transition Policy and Procedures Manual*, to be incorporated therein by reference and made part of this rule.

MF/AB/DAM:kc

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 10, 2008, its intention to promulgate new Board Rule 6Gx13- 5D-1.011, Educational Support Programs for Homeless Students, and the document, *The Homeless Children and Youth in Transition Policy and Procedures Manual*, incorporated by reference herein and made part of this rule, at its meeting of January 14, 2009.

PURPOSE AND EFFECT: The recommended promulgation of the new school board rule is to assist schools with the identification, enrollment, and attendance of homeless students. This board rule is in full support of the Stewart B. McKinney-Bruce Vento Homeless Assistance Act, reauthorized by Congress in January 2002. *The Homeless Children and Youth in Transition Policy and Procedures Manual* is incorporated herein, by reference, and made part of this rule.

SUMMARY: The rule establishes policy for the education of homeless children and youth.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:
1001.32; 1001.41(1)(2); 1001.42(25); 1001.43(10), 1003.01(12); F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.32; 1001.41(1),(2),(3); 1001.42(4),(8),(25); 1001.43(10); 1003.01(12); 1006.025; F.S.; Public Law 100-77, July 22, 1987, 101 Stat. 482 (42 U.S. Code 11301 *et seq.*)

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF January 14, 2009, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.541(1), F.S., must do so in writing by January 7, 2009, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED NEW RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Milagros Fornell
Supervisor: Mr. Alberto Carvalho
Date: November 25, 2008

Welfare**EDUCATIONAL SUPPORT PROGRAMS FOR HOMELESS STUDENTS**

The Florida Department of Education requires that districts develop policies to remove barriers to the enrollment and retention of homeless children and youth in schools. The Division of Student Services is committed to developing programs that assist students in being successful in the areas of academics, personal/social interactions, career/community awareness, and health and wellness development.

The Division of Student Services identifies and provides programs and services to homeless students, as well as assistance to schools with the identification, enrollment, and attendance of homeless students. To ensure that each homeless child has equal access to a free and appropriate public education, without being stigmatized or segregated, we provide the following, but not limited to:

- Homeless awareness and sensitivity activities for all students
- Transportation
- Counseling
- After-school tutorials
- School-based community support
- School supplies and educational materials
- Personal items i.e. uniforms, clothing, etc.

The Stewart B. McKinney-Bruce Vento Homeless Education Assistance Act, reauthorized by Congress in January 2002, establishes requirements for the education of homeless students and youth. Guidelines for providing services to homeless students are contained in the document, *The Homeless Children and Youth in Transition Policy and Procedures Manual*, which is incorporated herein by reference and is a part of this rule. These guidelines ensure the smooth transition and maintenance of students in their academic pursuit by allowing students to remain in their school of origin, accepting students who lack appropriate registration documentation, and providing access to the M-DCPS Nutrition Program (Free and Reduced Meals).

Specific Authority 1001.32; 1001.41(1)(2); 1001.42(25) 1001.43(10); 1003.01(12), F.S.:

Law Implemented, Interpreted, or Made Specific: The Stewart B. McKinney-Bruce Vento Homeless Assistance Act (McKinney-Vento Act) Title 42-The Public Health and Welfare Chapter 119-Homeless Assistance. U.S. Code; 1001.32; 1001.41(1),(2),(3); 1001.42(4),(8),(25); 1006.025; F.S.; Public Law 100-77, July 22, 1987, 101 Stat. 482 (42 U.S. Code 11301 *et seq.*)

History:

New:

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA