

School Committee Policy Review Subcommittee
Monday, April 13, 2020
5:00 PM – 6:00 PM
Remote Meeting

Policy Review Subcommittee members present: Michael Glover (Chair), Sharon Abramowitz, Jennifer Monopoli, and David Pearlman.
School Staff present: Mary Ellen Normen, Nicole Gittens, Casey Ngo-Miller, and Robin Coyne.

1) Approval of Minutes

On a motion of Mr. Glover and seconded by Mr. Pearlman, the Policy Review Subcommittee voted unanimously (by roll call) to approve the minutes of the March 30, 2020 Policy Review Subcommittee meeting.

2) Review of Draft Policy on Homeless Students Enrollment Rights and Services

The Subcommittee reviewed the draft Policy on Homeless Students Enrollment Rights and Services (Attachment A). Mr. Pearlman explained the changes to the Massachusetts Association of School Committee sample policy. His intent was to align with federal and state statute, provide additional clarity, and confer some extra benefits.

Ms. Ngo-Miller reported that there are currently 27 students in Brookline who are considered homeless.

Members requested the following:

- That the policy define what is meant by “temporarily housed outside of Brookline.”
- Note the state’s recommendation on what constitutes a reasonable transportation time.
- Consider whether the language would impact the district’s ability to share transportation costs.
- Find out who makes the final determination regarding which placement is in the best interest of the student.
- Consider whether the time limits should be more flexible.
- Ensure compliance with the Family Educational Rights and Privacy Act (FERPA).

Mr. Pearlman will get additional information and prepare a revised draft for the next meeting on April 21, 2020.

3) Review of Draft Policy on Educational Opportunities for Students in Foster Care

The Subcommittee reviewed the draft Policy on Educational Opportunities for Students in Foster Care (Attachment B). Mr. Pearlman commented that some of the issues mentioned in the previous discussion would also apply to this policy (e.g., transportation, best interest determination). He noted that the Department of Children and Families (DCF) has legal custody of students in foster care. The proposed draft includes language

to ensure that relevant parties, e.g., court appointed attorneys, are kept informed and are involved in the decision-making process.

Mr. Pearlman will get additional information and prepare a revised draft for the next meeting on April 21, 2020.

The next meetings of the Policy Review Subcommittee will take place on Tuesday, April 21, 2020, 5:00 PM-6:30 PM (remote) and Monday, April 27, 2020, 5:00 PM-6:30 PM.

On April 21, 2020, the Subcommittee will review revised drafts of the following policies: Homeless Students Enrollment Rights and Services, Educational Opportunities for Students in Foster Care, and Student Field Trips (possible School Committee 1st Readings on April 30, 2020). The Subcommittee will also continue discussion of a School Site Council Policy and Procedures.

The meeting adjourned at 6:00 PM.

HOMELESS STUDENTS: ENROLLMENT RIGHTS AND SERVICES

I. Preamble.

A. As required by law, the Public Schools of Brookline (PSB) will work with homeless children as well as their families or legal guardian(s) to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not attending school.

B. This policy is intended to cover two types of homeless students:

(i) enrolled PSB students who become homeless and are temporarily housed outside of Brookline;

(ii) homeless students temporarily housed within Brookline.

II. Definitions.

A. Homeless students are defined as students lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing, economic hardship, or similar reason;

2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;

3. Living in emergency or transitional shelters;

4. Being abandoned in hospitals;

5. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for people;

6. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or other similar settings;

7. Living in temporary housing provided by the Massachusetts Department of Transitional Assistance or other government agencies or charity organizations;

8. Migratory children living in conditions described in the previous examples.

III. Services.

A. Homeless students will be provided district services for which other PSB students are generally eligible, including pre-school programs, Title I, special education, and bilingual education. Homeless students will be eligible for vocational and technical education, gifted and talented programs, wraparound service programs, school nutrition programs, summer programs, after school programs, athletics programs, music, visual arts and performing arts programs, and other extracurricular activities.

B. The Superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families. The PSB liaison for homeless students and their families shall coordinate with local social service agencies that provide services to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students. The district's liaison will also review and recommend amendments to district policies that may act as barriers to the enrollment of homeless students. The liaison shall ensure district staff receive professional development and other support on issues involving homeless students.

IV. Students Remaining in Schools of Origin.

A. It is presumed to be in the best interest of homeless students to remain in their schools of origin, i.e. the school that the student was attending at the time homelessness commenced, or the last school the student attended prior to becoming homeless.

B. Homeless students may continue to attend their school of origin for as long as they remain homeless in Brookline, or until the end of their school of origin's current academic reporting period (e.g. quarter, trimester, semester, etc.) except that:

(i) homeless students in the final grade level at a school in the PSB may remain within the PSB until the end of the school year during which they move out of Brookline;

(ii) enrolled PSB students who subsequently become homeless inside or outside of Brookline may continue within the PSB for the duration of any school year.

C. For homeless students who completed or complete the final grade level served by the school of origin, and remain homeless in Brookline or were enrolled in the PSB at the time they became homeless, the term "school of origin" shall also include the receiving school in the same school district educating students at the next grade level.

D. Homeless students are entitled to transportation comparable to that provided for all other students attending school in the district. The PSB will transport students who are sheltered or temporarily residing within Brookline to the students' school of origin. For homeless students residing outside of Brookline for whom the school of origin is within Brookline, the PSB will coordinate with the district in which the student is sheltered or temporarily residing to provide the transportation services necessary for the student.

V. Students Enrolling in District Where Sheltered or Temporarily Residing.

A. Parent(s) or legal guardian(s) may elect to enroll homeless students in the school district in which the student is sheltered or temporarily residing, rather than having the student remain in the school of origin. Enrollment changes for homeless students should take place within one calendar week.

B. If homeless students are unable to provide written proof of their shelter or temporary residence, the homeless liaison will work with the family seeking enrollment to determine homelessness.

VI. Records.

A. Information regarding a homeless student's living arrangements shall not be considered directory information. Records containing information about the homeless student's living arrangements may not be disclosed without the consent of the parent or legal guardian, absent a state or federal student-privacy related exemption.

B. If the student cannot provide immediate access to immunization records, the student shall be permitted to enroll under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible.

VII. Contact Information.

A. Emergency contact information is required at the time of enrollment consistent with PSB policies, including compliance with the state's address confidentiality program where necessary.

B. After enrollment, the PSB will immediately request available records from any school(s) attended by the homeless student within the last two calendar years.

VIII. Dispute Resolution.

A. If the PSB disagrees with a parent or legal guardian's determination of a homeless student's best interests for school district placement, the PSB will explain to the parent(s) or legal guardian(s), in writing and in a language the parent can understand, the rationale for its determination and provide the parent(s) or legal guardian(s) with written notice of their rights to appeal the PSB's determination to the Massachusetts Department of Elementary and Secondary Education (DESE).

B. During the pendency of an appeal to DESE, the student shall remain enrolled at whichever school the student attended during the filing of the appeal. Pending appeal, the student shall receive transportation to that school.

C. If an out of district school of origin refuses to keep a student during the pendency of a parent or legal guardian's appeal, the PSB shall enroll that student in the PSB, provided that the student qualifies as homeless and temporarily resides in Brookline.

EDUCATIONAL OPPORTUNITIES FOR CHILDREN IN FOSTER CARE

I. Preamble.

A. The purpose of this policy is to ensure the educational stability of students in foster care. Educational stability has a lasting impact on students' academic achievement and wellbeing, and the Public Schools of Brookline (PSB) are committed to supporting all efforts to ensure that students in foster care have access to high-quality, stable educational experiences from pre-school through high school graduation.

B. This policy is intended to cover two types of foster care students:

- (i) enrolled PSB students who subsequently enter into foster care.
- (ii) foster care students temporarily residing in Brookline.

II. School Placement.

A. Irrespective of the location of a foster care placement, students in foster care will continue to attend their school of origin, unless after a collaborative Best Interest Determination it is stated, in writing, to be in the student's best interest to enroll in and attend school in the district in which the student resides in foster care. Enrollment of students in the district where they reside in foster care will take place upon written completion of the Best Interest Determination.

B. The superintendent shall designate a point of contact for students in foster care. The PSB and the point of contact will collaborate with the Department of Children and Families (DCF) to ensure that students receive transportation and the other services to which they may be entitled.

III. Best Interest Determination

A. Decisions about whether a student in foster care should continue to attend the school of origin should be made promptly and collaboratively by DCF, the school and district of origin, the PSB, the education guardian ad litem (GAL) surrogate if one has been appointed, the court appointed special advocate (CASA) if one has been appointed, and as situationally appropriate, the student, the student's family, and the foster family. The PSB shall make an effort to also include collaterals with specific knowledge of the student's needs, such as doctors, therapists, mentors, tutors, extracurricular program instructors, and other service providers.

B. Best Interest Determinations should focus on the needs of each individual student. Factors to be considered should include: (1) the student's age and grade level, (2) the student's preference (when age appropriate), (3) the time in the academic year, (4) academic performance, (5) current educational goals and services, (6) the Individualized Education Plan (IEP), if applicable, (7) individual skills, needs, and social connections, (8) ability to maintain family relationships and engagement, (9) clinical and behavioral considerations, (10) safety issues, (11) distance to school, (12) length of the school day, (13) number of school changes and foster placements to date, (14) anticipated length of time in placement, and (15) DCF's goal for the child (e.g. reunification, third party custody, guardianship, adoption, etc.).

C. Every effort should be made to reach agreement regarding the appropriate school placement of a student in foster care. However, if there is disagreement regarding school placement for a student in foster care, then DCF, as legal custodian, will finalize the Best Interest Determination if the relevant parties cannot agree on the best school for the student to attend.

D. All Best Interest Determinations shall be made in writing. The PSB shall ensure that copies of the Best Interest Determination will be provided to the school of origin, the Department of Children and Families (DCF), and the student (if 18 or older) within one day of completion. Upon request, the PSB shall also provide copies of the Best Interest Determination to the student's attorney, the education GAL surrogate, and the CASA within three calendar days.

(i) Attorneys representing students must provide a certified copy of the applicable court docket confirming their appointment to represent the child, an active Massachusetts Attorney Bar card, and an active state or national photo ID card prior to receipt of any communications regarding the student.

(ii) Education GAL surrogates and CASAs must provide a certified copy of their court appointment, active professional licensure, and active state or national photo ID card prior to receipt of any communications regarding the student.

E. The PSB can seek review of DCF's decision by utilizing a Foster Care School Selection Dispute Resolution Process established by the Department of Elementary and Secondary Education (DESE) and DCF. Decisions made through this process are not subject to review. To the extent feasible and appropriate, the PSB will ensure that a child remains at the school of last attendance while the disputes are being resolved to minimize disruptions and reduce the number of moves between schools.

IV. Transportation

A. Foster care students are entitled to transportation comparable to that provided for all other students attending school in the district. The PSB shall collaborate with DCF on how transportation will be arranged and provided to ensure that students in foster care who need transportation to remain in their school of origin will receive such transportation while they are in foster care. Transportation options may include using Title I funds, establishing regional collaborations among districts, coordinating with existing routes for transportation, and seeking help from foster parent(s), etc. Absent other agreements between the PSB and DCF, the district of origin is responsible for providing transportation to and from the school of origin.

V. Enrollment

A. If it is in the best interests of a student in foster care to leave the school of origin, the student must be immediately enrolled in the district in which the student resides in foster care. During enrollment of students in foster care, DCF representatives will present the district with a form indicating that the student is in foster care, along with a state-agency identification badge.

B. If the student does not have immediate access to immunization records, the student shall be permitted to enroll under a personal exception. Students and families should be encouraged to

obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary. After enrollment, the district will immediately request available records from the student's previous school.

C. PSB students in foster care will be provided district services for which other PSB students are generally eligible, including pre-school programs, Title I, special education, and bilingual education. Foster care students will be eligible for vocational and technical education, gifted and talented programs, wraparound service programs, school nutrition programs, summer programs, after school programs, athletics programs, music, visual arts and performing arts programs, and other extracurricular activities.

VI. Attendance

A. Foster care students may continue to coordinate with the PSB for attendance at their out of district school of origin for as long as they remain living at a foster care placement in Brookline, or until the end of their school's current academic reporting period (e.g. quarter, trimester, semester).

B. Foster care students subsequently enrolled in the PSB who exit foster care or relocate to foster care placements outside of Brookline may remain within the PSB until the end of their school's current academic reporting period, except that foster care students in the final grade level at a school in the PSB may remain within the PSB for the duration of that school year.

C. Enrolled PSB students who subsequently enter into foster care may continue within the PSB for as long as they remain in foster care, pending Best Interest Determination(s), and for the duration of any school year in which they exit foster care, regardless of residency.

D. For foster care students who completed or complete the final grade level served by the school of origin, and remain at a foster care placement in Brookline or were enrolled in the PSB at the time they entered foster care, the term "school of origin" shall also include the receiving school in the same school district educating students at the next grade level.