

Title VII, Subtitle B -Education for Homeless Children and Youth program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B

1. Student Identification (722(g)(1)(B) of the McKinney-Vento Act): Describe the procedures the SEA will use to identify homeless children and youth in the State and to assess their needs.

The State Coordinator maintains an Education for Homeless Children and Youth (EHCY) State Advisory Committee that assists with the annual review and revision of state policies and procedures that relate to the educational success of students experiencing homelessness. Annually, LEA homeless liaisons participate in professional development on the identification of students experiencing homelessness. This is done in-person, virtually, and through McKinney-Vento.org. In turn, homeless liaisons provide training on identification procedures for school staff such as counselors, nurses and social workers, and those related service personnel who work very closely with students and families. In addition, school-based health center staff receive training in those LEAs where the New Mexico Department of Health is operating the centers.

The regional Title I, Part C Migrant Education Program (MEP) Coordinators provide training for the MEP recruiters on identification procedures and data collection. School Food Authorities (nutrition staff) receive professional development on how to identify students experiencing homelessness. They immediately directly certify and qualify students for free breakfast and lunch under the Community Eligibility Provision.

Annually, superintendents receive training and information on the identification of students experiencing homelessness. Key factors of this training include the review of the definition of a student experiencing homelessness and how to remove possible barriers to their education. They are provided information on how to utilize their federal Title I funds and McKinney-Vento Act funds to support the programs and services. During the monthly superintendent online meetings, when applicable, NMPED staff provides updates on state legislation (discipline procedures for students experiencing homelessness, birth certificates for enrollment, etc.), and policies and procedures (that need to be adopted at the local level) on the education of students experiencing homelessness.

LEA data coordinators participate in professional development activities on how to collect, enter, and submit data on students experiencing homelessness to the NMPED each reporting period. Data is submitted in the Student Teacher Accountability Reporting System (STARS) data warehouse. Every student in the state is assigned a unique identification number that is with them from pre-kindergarten through graduation. Data includes identification (students are “flagged”), enrollment (mobility can be tracked each reporting period), attendance, suspensions and expulsion, and promotion and retention. Each reporting period, this data is

reviewed and approved (or returned if not valid) by the EHCY State Coordinator. The State Coordinator monitors and analyzes the data. Those LEAs with valid and reflective data are spotlighted and serve as mentors for other LEAs. Those with invalid, low, or non-existent identification and enrollment data receive targeted technical assistance from the state coordinator. Accurate and valid data is critical for the state's ESSA data submission and USDA's data submissions.

The State's Coordinator works closely with the National Center for Homeless Education (NCHE) on developing model forms for identifying students and families experiencing homelessness. The state's "Student Need Assessment and Action Plan" form asks parent(s) or guardian(s) about all children in their care (birth through age 21) which assists the LEA in identifying additional siblings or family members, including preschool students, facilitating enrollment in pre-kindergarten or preschool programs.

The state's "Homeless Student Referral Form for Community Partners" gathers information on the student and student's siblings or family members which assists with identification and enrollment if not already enrolled in school, as well as referrals to early childhood services. This form is used by community organizations and health and wellness providers and is sent to the LEA. These forms are provided to the LEAs and providers by the State Coordinator and are available on PED's Education for Homeless Children and Youth website.

Posters for parents and students developed by the U.S. Department of Education and the National Center for Homeless Education on student rights are posted in schools, community partners, and health and wellness providers. The information is available in English, Spanish, and Diné.

The State Coordinator works with partners at the federal, state, and local level to build awareness and the identification of students experiencing homelessness by routinely providing training, technical assistance, and dissemination of information about children and youth who are homeless for all program liaisons, LEAs, community-based organizations, partners, and educational entities on a regular basis.

Monitoring of all LEAs is conducted to ensure that they are compliant with identifying and serving students experiencing homelessness. Monitoring is done via:

- Onsite programmatic and fiscal monitoring of any program based upon a risk assessment.
- Desktop monitoring each Student Teacher Accountability Report System (STARS) reporting period.
- Desktop monitoring of Requests for Reimbursements (RfR) through Operating Business Management System (OBMS) including detailed reviews of financial records.
- End of Year Report

- The State Coordinator prioritizes LEAs to monitor those who are at the greatest risk of non-compliance with the McKinney-Vento Act.
- PED's EHCY program was recently moved to the At-Risk Intervention Response (AIR) Team. This team works with LEAs as they improve the educational outcomes for at-risk student groups in New Mexico schools. The aspects of the team include the Anti-Racism Anti-Oppression Hotline, At-Risk Coordinators, and the At-Risk Intervention Response Team. The AIR team programs are designed to provide research-based, behavioral, and academic interventions to at-risk student groups and student groups identified by the Martinez/Yazzie findings which include Native American students, Hispanic students, Black students, economically disadvantaged students, students with disabilities, and English language learners.

Whenever a natural disaster occurs, such as the wildfires in Spring 2022, the state's EHCY State Coordinator works with the local liaisons and LEAs on expediting the identification of students experiencing homelessness. This allows students to immediately receive support, services, and wrap-around services. Students are directly certified and immediately qualified for free breakfast and lunches.

Beginning in 2023-2024, when students enroll or reenroll in school, the enrollment forms will ask questions about the parent's and student's current housing status. In addition, the form will also request them to list any other preschool or school-aged siblings in their family living with them. This will assist in the identification of students experiencing homelessness. The questions will be embedded in the enrollment forms or be an amendment to the forms. The same information will be used when students enroll in increased learning time and out-of-school time programs. This will not only assist with the identification of students but will also help with removing barriers and coordinating transportation. This information is routed to the local liaison for further intervention.

2. Dispute Resolution (722(g)(1)(C) of the McKinney-Vento Act): Describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.

The NMPED has a very detailed guidance document New Mexico Educational Stability: Guidelines for Students Experiencing Homelessness on the dispute resolution process. The processes described in these procedures apply in the case of a complaint filed pursuant to the McKinney-Vento Act relating to a dispute not resolved at the district level. The applicable disputes are those involving the eligibility, school selection/enrollment, participation, or transportation of a homeless child or youth.

Children or youth experiencing homelessness must be immediately enrolled in the school in which enrollment is sought, whether it be the school of origin or the school in the attendance area, regardless of if they are missing school records, proof of residency, immunization, and

other health records, lack of a parent or legal guardian or have unpaid fees. Immediate enrollment includes attending classes and participating fully in school activities including extracurricular activities. Students experiencing homelessness are to be directly certified for free school meals for the entire school year.

If a dispute arises over school selection or enrollment in a school, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute, and must be immediately referred to the Homelessness Liaison. In the case of an unaccompanied youth, the Homelessness Liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute.

LEA/State Charter School Minimum Procedures for Resolving Disputes

When a dispute arises over eligibility, school selection, enrollment in a school or transportation, the LEA/State Charter School must:

- Immediately enroll the child or youth in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals. [42 U.S.C. § 11432(g)(3)(E)(i)].
- Immediately enroll the unaccompanied youth, in the school the youth is seeking enrollment, pending a resolution of the dispute. [42 U.S.C. § 11432(g)(3)(E)(iv)].
- In the case of an unaccompanied youth, the LEA/State Charter School must ensure that the local liaison assists in placement or enrollment decisions and gives priority to the views of such unaccompanied youth.
- Allow students to participate fully in school and receive all services to which they are entitled, including transportation, while disputes are pending. [42 U.S.C. § 11434a(1)].
- Provide the parent or guardian of the child or youth or the unaccompanied youth a written explanation of any decisions related to school selection or enrollment made by the school or LEA/state charter school.
- Notice and written explanation from the LEA/State Charter School about the reason for its decision, at a minimum, should include the following:
 - An explanation of how the school reached its decision regarding eligibility, school selection or enrollment, which should include:
 - A description of the action proposed or refused by the school.
 - An explanation of why the action is proposed or refused.
 - A description of any other options the school considered.
 - The reasons why other options were rejected.
 - A description of any other factors relevant to the school's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources.
- Appropriate timelines to ensure any relevant deadlines are not missed; and

- Contact information for the local liaison and State Coordinator of Education for Homeless Children and Youth (ECHY) and a brief description of their roles.
- Ensure all decisions and notices are drafted using language and formatting appropriate for low literacy, limited vision readers and individuals with disabilities.
- Provide translation and interpretation services in connection with all stages of the dispute resolution process for children and youth and/or their parents or guardians who are English Learners or whose dominant language other than English.
- Provide electronic written notice to parents/guardians and unaccompanied youth who have email and follow up with the notice in person or by mail.
- Provide the rights of the parent, guardian, or unaccompanied youth to appeal such decisions. [42 U.S.C. § 11432(g)(3)(E)(ii)].
- If a dispute arises over eligibility, or school selection or enrollment in a school, the parent, guardian, or unaccompanied youth shall be referred to the LEA/State Charter School liaison who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of such dispute. [42 U.S.C. § 11432(g)(3)(E)(iii)].

Procedures to Ensure that Parents, Guardians and Unaccompanied Youth Know their Rights

LEA/State Charter School liaisons must make sure that Parents, Guardians and Unaccompanied Youth are aware of the educational and related opportunities available, including transportation [42 U.S.C. § 11432(g)(6)(A)(v)] and must post public notice of the educational rights of homeless children and youths. [42 U.S.C. § 11432(g)(6)(A)(vi)]. Posters and other information about rights and services, translated into languages represented by the community, must be placed where homeless families and youths receive services.

The following information should be included in the LEA's/State Charter School's notice regarding the dispute resolution process:

- Right to file a complaint, raise a complaint issue, or file an appeal.
- Right to provide written or oral documentation to support the parent/guardian or unaccompanied youth's position.
- Step-by-step description of how to appeal the school's decision that includes a simple form parents, guardians, or unaccompanied youths can complete and submit to the school to initiate the dispute process.
- If the parent, guardian, or unaccompanied youths are English learners, use of a native language other than English, or need additional supports because of a disability, translators, interpreters, or other support services will be made available without charge.
- Right to be enrolled immediately in the school in which enrollment is sought pending the final resolution of the dispute.

- The right to immediate enrollment includes receiving adequate and appropriate transportation to and from the school of origin and the ability to fully participate in all school activities.
- List of legal and advocacy service providers in the area that can provide additional assistance during any part of the process.
- Contact information for the local liaison and State Coordinator, with a brief description of their roles.
- Timelines for resolving district and state-level appeals.
- Overview of Dispute Resolution Process

*Every effort must be made to resolve the complaint or dispute at the local level before it is submitted to the PED.

In a case where a dispute occurs regarding the eligibility, school selection/enrollment, participation, or transportation of a homeless child or youth, the following process must be followed:

- Level 1: School of Choice Informal Resolution
- Level 2: LEA/State Charter School Homelessness Liaison Resolution
- Level 3: PED's State Coordinator of Education for Homeless Children and Youth (ECHY) Resolution

Note: The procedures for every level of dispute resolution are described in detail in the guidance document referenced above.

The NMPED provides a dispute resolution form to remove barriers to dispute resolution and assist parents and unaccompanied youth in resolving differences. The NMPED investigates the complaint in accordance with state law 6.10.3 NMAC Complaint Procedure.

All of the complaints are logged by the State Coordinator and are analyzed for immediate changes in procedures and guidance, if needed, for the LEAs and for future training for the local liaisons.

After the dispute has been resolved, the State Coordinator monitors the LEA's data and procedures to ensure compliance with the decision. Section C of 6.10.3.9 NMAC provides consequences if an LEA fails or refuses to comply with the decision.

Additional Applicable Complaint Procedures for Students Experiencing Homelessness

The parent(s) or unaccompanied youth can also file a formal complaint alleging violations of other Federal Title programs in accordance with 6.10.3 NMAC.

The parent(s) of a child experiencing homelessness, or an unaccompanied youth suspected of having a disability or has a disability can file formal dispute resolution (state complaint or due process hearing) under the Individuals with Disabilities Education Act (IDEA). The complaint

concerns the identification, evaluation, and placement of a student with a disability. There are several Dispute Resolution Options and informal dispute resolutions available.

Unaccompanied youths, who are minors, suspected of having a disability, or who have a disability under the IDEA or NM law, have a right to have a surrogate parent assigned to them as part of their Procedural Safeguards. The surrogate parent is assigned when the parent cannot be located. The surrogate parent makes parental decisions for the student regarding identification, evaluation, and placement.

3. Support for School Personnel (722(g)(1)(D) of the McKinney-Vento Act): Describe programs for school personnel (including the LEA liaisons for homeless children and youth, principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of homeless children and youth, including runaway and homeless children and youth.

The McKinney-Vento Act requires the local liaison to ensure that children and youth experiencing homelessness, including runaway and homeless children and youth, are identified by school personnel through outreach and coordination activities with other entities and agencies. In order for the liaisons to uphold their responsibilities, professional development must be provided across the entire spectrum of school personnel.

Annually, local liaisons are required to complete training using McKinney-Vento.org before school begins or soon thereafter. Their participation is monitored by the State Coordinator. The State Coordinator reaches out to those liaisons who have not completed the training to provide them with any assistance and support they may need.

New Mexico will be putting together a “train the trainer” model. The State Coordinator will train liaisons on the specific needs of students experiencing homelessness, including runaway and homeless children and youth, which will lead to heightened awareness across the board. For example, the homeless liaison provides training for principals on removing barriers to enrollment (birth certificates, residency, immunization records, etc.) who in turn train their front-line staff (administrative support, school counselors, nurses, etc.) who enroll students, or the local liaison provides training for social workers on the needs of highly mobile students who in turn train attendance data entry staff and attendance coaches, so their work is synchronized.

In addition, the NMPED will provide an online professional development program designed specifically for school staff to ensure that all LEAs are receiving the same information. Specific modules will be available. This represents an innovative approach for NMPED’s program for statewide training of Homeless Education liaisons, as this program will track and certify liaisons’ successful training and professional development requirements for this program. Homeless

Liaisons can choose to create their own MV trainings for staff or use the trainings provided by the EHCY program.

During the most recent legislative session, New Mexico updated its law regarding the minimum number of instructional hours that are required along with the required instructional content. Schools are to provide evidence-based social-emotional interventions. In addition, the law provides for up to 60 professional work hours per school year at the elementary level and up to 30 hours per school year at the middle school and high school levels for professional work hours. Professional work hours can be used for educator training and professional development. This is a great opportunity for the local liaisons to provide professional development for staff on social-emotional learning for students experiencing homelessness in addition to any other applicable training.

4. Access to Services (722(g)(1)(F) of the McKinney-Vento Act): Describe procedures that ensure that:

- i. Homeless children have access to public preschool programs, administered by the SEA or LEA, as provided to other children in the State;**

Public Pre-Kindergarten programs are administered by the New Mexico Early Childhood Education & Care Department (ECECD) along with the Individuals with Disabilities Education Act, Part C Early Intervention Services (birth through age three), and the Individuals with Disabilities Education Act, Part B Section 619 preschool program (ages 3 – 5) are administered by the New Mexico Public Education Department.

In New Mexico, public Prekindergarten programs and services for eligible 3- and 4-year-old children are provided by community and school-based programs. Funding for the PreK providers is distributed through a competitive grant program. As part of the application process, potential awardees must prioritize recruitment and enrollment of children experiencing homelessness (page 16 of PreK application). The potential provider must include an action plan and strategies for recruitment and enrollment.

Students who are experiencing homelessness must have access to all programs and services for which they are eligible, including preschool programs. Regardless of whether a student experiencing homelessness attends a community or school-based PreK, or an IDEA, Part B Section 619 preschool (ages 3 – 5), they have a right to remain in their schools of origin (the school the student attended when permanently housed or in which the student was last enrolled) if that is in the best interest of the student. Transportation must be provided to or from a student's school of origin at the request of the parent or guardian.

New Mexico law 8.9.8 NMAC requires early intervention providers (IDEA Part C programs birth through age 2) to conduct child find services in homeless family shelters and to collaborate with homeless family shelters on how to make a referral for an evaluation and services when there are concerns about a child's development. New Mexico law 6.31.2.10 NMAC requires each

public agency (school district) to conduct child find activities to identify any age 3 – 21-year-old highly mobile student in need of special education services be located, identified, and evaluated. Siblings of students identified as experiencing homelessness that are ages 0-birth are referred to early childhood programs, such as the Family Infant Toddler Program, childcare, home visiting programs. Additionally, the State Coordinator is a member of the Interagency Coordinating Council (ICC) and specifically helps with outreach.

Preschool students with disabilities under the IDEA, Part C and IDEA, Part B must be provided special education and related services, without delay, in accordance with their Part C Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP) regardless of the students' housing circumstances. Families are afforded procedural safeguards and have options to resolve any disputes, informally or formally, regarding the identification, placement, and provision of services for their child.

New Mexico's EHCY State Coordinator provides professional development for the McKinney-Vento homeless education liaisons. Professional development is provided in person, virtually, or through McKinney-Vento.org. Topics include the active recruitment and enrollment of preschool students experiencing homelessness. Local liaisons are provided ideas and strategies on how to identify students and prioritize enrollment including working closely with shelters in their area, working with federally qualified health centers and social services agencies such as the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), Temporary Assistance for Needy Families (TANF), and other public benefits. When families enroll their children in school, another strategy used is having school staff ask the parents or guardians if they have any preschool age children. The local liaison is made aware and works with the family to have that child immediately enrolled in preschool. If a preschool program funded by Title I is in operation, the child is automatically eligible to attend.

Local liaisons are also provided professional development on "child find" activities. Child find requires all children residing in the state who are suspected of having a disability and who are in need of early intervention services (IDEA, Part C) or special education and related services (IDEA, Part B) be located, identified, and evaluated regardless of the severity of their disability. The liaisons work with the LEA's special education program and Family Infant and Toddler (FIT) program.

The state's EHCY Coordinator is an active member of the State's Individuals with Disabilities Education Act (IDEA) State Advisory Panel. One of the purposes of the IDEA Panel is to advise the state education agency of any unmet needs in the state in the education of children with disabilities. This includes ensuring that any barriers to learning are removed. As part of the state's advisory panel, the state's coordinator advises the state education agency in developing and implementing policies relating to the coordination of services for students with disabilities. For example, this includes the revision of the procedural safeguards to ensure unaccompanied youth with disabilities are assigned a surrogate parent.

- ii. **Homeless youth and youth separated from public schools are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youth described in this clause from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies; and**

New Mexico law 22-12A-14 NMSA, 1978 provides protections for “students who have experienced a disruption in their education” which is a student who experiences one or more changes in public school or school district enrollment during a school year. A student identified as homeless under the McKinney-Vento Homeless Assistance Act qualifies for these protections.

When a student who has experienced a disruption in the student's education transfers to a new public school or school district, the receiving public school or school district shall communicate with the sending public school or school district within two days of the student's enrollment. The sending public school or school district shall provide the receiving public school or school district with any requested records within two days of having received the receiving public schools or school district's communication.

A student who has experienced a disruption in the student's education because of transferring to a new public school as the result of circumstances set forth in this section shall have:

- priority placement in classes that meet state graduation requirements; and
- timely placement in elective classes that are comparable to those in which the student was enrolled at the student's previous public school or schools as soon as the public school or school district receives verification from the student's records.

As of July 1, 2023, all students who have been identified as a student that is experiencing homelessness will have free access to birth certificates and ID cards, when needed for enrollment in school districts.

For a student who has experienced a disruption in the student's education at any time during the student's high school enrollment, a school district and public schools shall ensure:

- acceptance of the student's state graduation requirements for a diploma of excellence pursuant to the Public School Code.
- equal access to participation in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies.
- timely assistance and advice from counselors to improve the student's college or career readiness; and
- that the student receives all special education services to which the student is entitled.

A student who has experienced a disruption in the student's education and has transferred between public schools in different school districts or between public schools within the same

school district shall receive credit for any work completed prior to the transfer, regardless of whether the transfer occurred at the end of a grading period.

New Mexico law 6.30.18.10 NMAC prescribes the amount of high school credit a student experiencing disruption must earn. This credit is earned prior to the student transferring.

Section H of 6.11.2.10 NMAC states that removing students experiencing homelessness from school due to discipline shall be used only as a last resort. Discipline policies and procedures are to be reviewed at least annually. Professional development on the types of behaviors students exhibit and strategies and supports to work with them is also required.

If a student has been validly expelled or suspended from school, a local school board may provide alternative arrangements such as correspondence courses Section G(2) of 6.11.2 NMAC at the expense of the student or parent(s). However, the cost could be waived since it is considered a barrier to the student's learning. Correspondence courses and distance learning courses are allowed to be counted for graduation credit under Section K of 6.29.1 NMAC.

A student experiencing homelessness who has a disability and who is suspended or expelled (for greater than 10 days) must continue to receive services as part of a Free Appropriate Public Education (FAPE).

- iii. Homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels.**

Students experiencing homelessness have a right to the same educational opportunities as housed students by removing as many barriers to learning as possible. Training on access to programs and opportunities is provided to the local liaisons in-person, virtually, or through McKinney-Vento.org, including for accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs. School districts and charter schools are required to submit assurances that anti-discrimination policies and procedures are in place that prevent students experiencing homelessness from being denied access to academic and extracurricular activities. These are also conditions for receiving EHCY funds. The State's EHCY State Coordinator conducts desktop and onsite monitoring.

School districts are required to transport students experiencing homelessness in accordance with Section J of 6.41.4.9 NMAC. Students must receive transportation that is comparable to non-homeless students which includes extra-curricular activities, participation in off-site career and technical education programs, and out-of-school time programs, also including magnet school, summer school, advanced placement, and charter school programs.

The state's K-12 Plus program (effective July 1, 2023) extends the school year for elementary, middle, and high schools. Students experiencing homelessness are to be actively recruited to participate and continue with that school. This is not a voluntary program for students. Attendance is mandatory and the state's "Attendance for Success Act" applies. The early warning system identifies students at risk of chronic or excessive absenteeism. The attendance improvement plan developed for those students keeps students in the educational setting and assists the students' family in removing barriers to school attendance. Students experiencing housing insecurity have the highest chronic absentee rates in NM, as well as the highest excused and unexcused absences. <https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/attendance-for-success/annual-state-districts-and-schools-attendance-report/>

- 5. Strategies to Address Other Problems (722(g)(1)(H) of the McKinney-Vento Act): Provide strategies to address other problems with respect to the education of homeless children and youth, including problems resulting from enrollment delays that are caused by—**
- i. requirements of immunization and other required health records.**

According to New Mexico law, students experiencing homelessness must be able to enroll in school immediately, even if they are unable to produce records normally required for enrollment such as immunization records in accordance with 7.5.3.10 NMAC. If the child needs to obtain immunizations, or medical or immunization records, the enrolling school must immediately refer the parent or guardian of the child or youth to the designated local educational agency liaison, who must assist in obtaining necessary immunizations, or immunization or medical records.

Also, the liaison must work with state agencies that can provide ID's or birth certificates to these students. Starting in July 2023, these documents will be provided at no cost to students that are experiencing homelessness that are approved by either LEA's liaison or the State Coordinator.

- ii. The Department of Health and Human Services sends an email out to New Mexico Public and Private School Superintendents, Charter School Administrators, School Principals, School Nurses, and Vaccines for Children (VFC) annually regarding School Entry Immunization Requirements. They now include a statement in the document that says, "Pursuant to the McKinney-Vento Homeless Assistant Act [42 USC§ 11432(g)(3)(C)], children experiencing homelessness must be able to enroll in school immediately, even if they are unable to produce immunization records. If the child needs to obtain immunizations, or immunization records, the enrolling school must immediately refer the parent or guardian to the designated local educational agency (LEA) homeless education liaison for assistance." [New Mexico 2022-2023 School Entry Immunization Requirements](#) residency requirements;**

New Mexico law [7.5.3.10 NMAC](#) states: Children experiencing homelessness: Pursuant to the McKinney-Vento Act (42 USC § 11432(g)(3)(C)), children experiencing homelessness must be able to enroll in school immediately, even if they are unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

iii. lack of birth certificates, school records, or other documentation;

New Mexico law [7.5.3.10 NMAC](#) states: Children experiencing homelessness: Pursuant to the McKinney-Vento Act (42 USC § 11432(g)(3)(C)), children experiencing homelessness must be able to enroll in school immediately, even if they are unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation (birth certificates). During New Mexico's 2021 Legislative session, House Bill 179 [Legislation - New Mexico Legislature \(nmlegis.gov\)](#) passed for free birth certificates.

House Bill 389 passed for free ID's during the 2023 Legislative session also. [Legislation - New Mexico Legislature \(nmlegis.gov\)](#) . These were signed by Governor Lujan-Grisham in March and April respectively and will be available to these vulnerable students on July 1, 2023.

New Mexico law [24-14-28 NMSA, 1978](#) waives the fees for students experiencing homelessness or an unaccompanied youth for searching or copying birth certificates. The [birth certificate application](#) and [Homeless Self-Attestation Form](#) are available on the NMPED's website.

iv. guardianship issues; or

New Mexico law [6.10.8.8 NMAC](#) states: "It is the policy of this state that school age persons receive an education and do not dropout or otherwise withdraw prematurely prior to completing an educational program. To that end, a school-age person shall attend public school, private school, home school or a state institution until the school-age person is at least eighteen years of age unless that person has graduated from high school or received a general educational development certificate". Therefore, unaccompanied youth must be immediately enrolled in school even if they are not able to produce records normally required for enrollment and are not in the physical custody of their legal guardian. Many students in New Mexico are considered to be 'highly mobile'. Highly mobile students can include students experiencing homeless, students in foster care, migrant students, students in the Juvenile Justice system, youths requiring out of home placements for their mental health needs and students whose parents are in the military.

When students who have experienced disruption in their education, including children and youth experiencing homelessness, transfer to a new public school or school district, the receiving school or school district shall communicate with the sending school within two days of the student's enrollment. The sending school or school district shall provide the receiving

school or school district with any records within two days of having received the receiving school's or school district's communication. 22-12-10(B) NMSA, 1978.

A student who has experienced a disruption in their education receives:

- priority placement in classes that meet state graduation requirements; and
- timely placement in elective classes that are comparable to those in which the student was enrolled at the student's previous public school or schools as soon as the public school or school district receives verification from the student's records.

For a student who has experienced a disruption in the student's education at any time during the student's high school enrollment, a school district and public schools shall ensure:

- acceptance of the student's state graduation requirements for a diploma of excellence pursuant to the Public School Code.
- equal access to participation in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies.
- timely assistance and advice from counselors to improve the student's college or career readiness; and
- that the student receives all special education services to which the student is entitled.

A highly mobile student who has experienced a disruption in their education and has transferred between public schools in different school districts or between public schools within the same school district shall receive credit for any work completed prior to the transfer, regardless of whether the transfer occurred at the end of a grading period.

If an NM student with an established IEP transfers to a different NM LEA, the enrolling LEA must provide the student with services comparable to those in the established IEP, in consultation with the parent(s). The enrolling LEA then has 30 days to either adopt the existing IEP or develop, adopt, and implement a new IEP that is consistent with federal and state law [20 U.S.C. § 1414(d)(2)(C)(i)(I)].

If a student with an established IEP transfers to a NM LEA from another state, the enrolling LEA may conduct an evaluation, if necessary, and develop a new IEP, if appropriate, in consultation with the parent(s) [20 U.S.C. § 1414(d)(2)(C)(i)(II)].

Under the Individuals with Disabilities Education Act (IDEA), a parent usually serves as the student's educational decisionmaker.

IDEA defines parent as:

- a natural, adoptive, or foster parent.
- a guardian (but not the state if the child is a ward of the state).

- an individual acting in the place of a natural or adoptive parent with whom the child lives, or an individual who is legally responsible for the child’s welfare 20 U.S.C. § 1401(23)

Unaccompanied youth who do not have a parent who is willing and/or able to act as educational decision maker can be:

- A surrogate parent, who may not be involved with the care or education of the child, should be appointed within 30 days [20 U.S.C. § 1415(b)(2)(B)]
- A temporary surrogate parent, who may be involved with the care or education of the child, may be appointed immediately C.F.R. § 300.519(f)]

v. uniform or dress code requirements.

Section B(3) of 6.11.2.9 NMAC allows school boards and advisory councils to develop policies on students’ dress and personal appearance. The policies should include non-disciplinary provisions as to how to handle circumstances when students are unable to meet the requirements.

Uniform or dress code requirements can be considered an educational barrier and students experiencing homelessness cannot be denied enrollment in school for not meeting it. However, students will need to meet the requirements so they will not be stigmatized or feel different.

The local homeless liaison works directly with the student and the student’s family on obtaining the necessary clothing and shoes. This can be done through donations from retailers or other community organizations. In addition, Title I, Part A <https://nche.ed.gov/wp-content/uploads/2018/10/titlei.pdf> can be used for items of clothing, particularly if necessary to meet a school’s dress or uniform requirements. LEAs receiving the Education for Homeless Children and Youth subgrant funds can also be used for this purpose, as well as American Rescue Plan – Homeless Children and Youth (ARP-HCY) funds. Students are also provided with clothing for extracurricular activities, special events and graduation ceremonies.

Additionally, liaisons are provided with professional development on removing barriers to school enrollment.

- 6. Policies to Remove Barriers (722(g)(1)(I) of the McKinney-Vento Act): Demonstrate that the SEA and LEAs in the State have developed, and shall review and revise, policies to remove barriers to the identification of homeless children and youth, and the enrollment and retention of homeless children and youth in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.**

The NMPED provides model policies, procedures, and forms that meet the compliance with the McKinney-Vento Act. The EHCY SAC works together to identify issues that impact students experiencing homelessness' educational success. Revised policies and procedures are presented to the Education for Homeless Children and Youth State Advisory Committee (EHCY SAC) members for input and feedback. When developing policies and procedures, the NMPED utilizes the resources and materials available on the National Center for Homeless Education (NCHE) website. New Mexico resources are available on the NMPED's EHCY website:

<https://webnew.ped.state.nm.us/bureaus/identity-equity-transformation/ehcy-program/>

The policies, procedures and forms are shared with the LEA's homeless liaisons. Training is provided, in person, virtually, or through McKinney-Vento.org. Every liaison is required to take the McKinney-Vento.org training prior to the school year beginning or soon thereafter. The training takes about five to eight hours. Topics include the identification of students experiencing homelessness, the identification and removal of barriers to the student's education, and enrollment procedures. The EHCY State Coordinator monitors the training site to ensure all liaisons have participated. The State Coordinator provides technical assistance and support to all homeless liaisons, but especially those who are new to the position or have not completed any or all of the required training on McKinney-Vento.org.

As part of the EHCY funding application process, LEAs must submit a set of assurances that they have policies and procedures in place that remove barriers to the identification of homeless children and youth, the enrollment and retention of homeless children and youth in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences. The state's coordinator conducts desktop and onsite monitoring.

New Mexico has several laws to address the needs of students experiencing homelessness by removing barriers to the identification, enrollment, and retention including barriers to enrollment and retention due to outstanding fees or fines, or absences.

- [Transportation of Students Experiencing Homelessness](#)
- [School Discipline Policies and Student Rights and Responsibilities](#)
- [Immunization Requirements](#)
- [Partial Credit for High School Courses for Students Who Experience Disruption](#)
- [Eliminating Restrictions on Access to Vital Records \(Birth Certificates\) for Homeless Children or Youth and Unaccompanied Youth: HB0179 \(nmlegis.gov\)](#)

Minors' Consent for Health Care Services in New Mexico Enrollment, Identification, High School Credit and Access to Career Counselors

Students experiencing homelessness often experiences a disruption in their student education, meaning they have experienced one or more changes in public school or school district enrollment during a single school year under [22-12A-14, NMSA 1978](#).

In New Mexico, when a student who has experienced a disruption in their education transfers to a new public school or school district, the receiving public school or school district shall communicate with the sending public school or school district within two days of the student's enrollment. The sending public school or school district shall provide the receiving public school or school district with any requested records within two days of having received the receiving public school's or school district's communication.

A student who has experienced a disruption in the student's education because of transferring to a new public school as the result of circumstances set forth in this section shall have:

- priority placement in classes that meet state graduation requirements; and
- timely placement in elective classes that are comparable to those in which the student was enrolled at the student's previous public school or schools as soon as the public school or school district receives verification from the student's records.

For a student who has experienced a disruption in the student's education at any time during the student's high school enrollment, a school district and public schools shall ensure:

- acceptance of the student's state graduation requirements for a diploma of excellence pursuant to the Public School Code.
- equal access to participation in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies.
- timely assistance and advice from counselors to improve the student's college or career readiness; and
- that the student receives all special education services to which the student is entitled.

A student who has experienced a disruption in the student's education and has transferred between public schools in different school districts or between public schools within the same school district shall receive credit for any work completed prior to the transfer, regardless of whether the transfer occurred at the end of a grading period.

New Mexico law, [6.30.18 NMAC](#) Partial Credit for Adjudicated or Mobile Students requires schools to issue credit and partial credit for those students experiencing disruption.

SENDING SCHOOL REQUIREMENTS:

- A. Sending schools shall award partial credit for work completed to students identified as adjudicated or mobile.
- B. Sending schools shall provide the transferring student's records, including a department-approved partial credit form, within two business days of receiving a request from the receiving school.
- C. Sending schools shall certify that the school district, charter school, or institution has implemented a student information system to track student credit accrual and facilitate accurate and timely transfer of student academic credit.

RECEIVING SCHOOL REQUIREMENTS:

- A. Receiving schools shall request the transferring of students' records from the sending school within two business days.
- B. Receiving schools shall apply all partial credits to the same or equivalent course and prioritize the adjudicated or mobile student's placement in courses required for graduation within two business days of receiving the partial credit form.
- C. Receiving schools shall certify that the school district, charter school, or institution has implemented a student information system to track student credit accrual and facilitate accurate and timely transfer of student academic credit.

DETERMINATION OF PARTIAL CREDIT:

An adjudicated or mobile student shall receive credit for any work completed prior to the transfer.

A. Public schools shall award up to a maximum of one credit as follows for courses:

- (1) 0.25 credit when a student was enrolled anywhere between ten and twenty-five percent of the total course.
- (2) 0.50 credit when a student was enrolled anywhere between twenty-six and fifty percent of the total course.
- (3) 0.75 credit when a student was enrolled anywhere between fifty-one and seventy-five percent of the total course; or
- (4) one credit when a student was enrolled anywhere between seventy-six and one hundred percent of the total course.
- B. Public schools shall award up to a maximum of a half credit as follows for semester long courses:
 - (1) 0.25 credit when a student was enrolled anywhere between five and fifty percent of the total course; or
 - (2) 0.50 credit when a student was enrolled anywhere between fifty-one and one hundred percent of the total course.

Attendance, Enrollment and Access to Wrap-around Services

New Mexico's Attendance for Success Act [22-12A-8 NMSA, 1978](#) focuses on prevention and intervention for students who are absent or chronically absent, including students experiencing homelessness.

According to the Attendance for Success Act, a public school shall provide interventions to students who are absent or chronically absent, which may include:

1. assessing student and family needs and matching those needs with appropriate public or private providers, including civic and corporate sponsors.
2. making referrals to health care and social service providers.

3. collaborating and coordinating with health and social service agencies and organizations through school-based and off-site delivery systems.
4. recruiting service providers and business, community, and civic organizations to provide needed services and goods that are not otherwise available to a student or the student's family.
5. establishing partnerships between the public school and community organizations, such as civic, business, and professional groups and organizations and recreational, social and out-of-school programs.
6. identifying and coordinating age-appropriate resources for students in need of:
 - counseling, training, and placement for employment.
 - drug and alcohol abuse counseling.
 - family crisis counseling; and
 - mental health counseling.
7. promoting family support and parent education programs.
8. seeking out other services or goods that a student or the student's family needs to assist the student to stay in school and succeed.

New Mexico law [22-12A-6 NMSA, 1978](#) requires public schools to maintain an attendance policy that:

- o establishes an early warning system that includes evidence-based metrics to identify students at risk of chronic absenteeism or excessive absenteeism.
- o provides for early identification of chronically absent and excessively absent students.
- o employs an attendance improvement plan that focuses on:
 - o keeping students in an educational setting.
 - o prohibiting out-of-school suspension or expulsion as the punishment for absences.
 - o assisting a student's family to remove barriers to the student's regular school attendance or attendance in another educational setting; and
 - o providing additional educational opportunities to students who are struggling with attendance.
- o limits the ability of a student to withdraw to only after all intervention efforts by the public school or the Children, Youth and Families Department (CYFD) to keep the student in an educational setting have been exhausted.
- o requires that accurate class attendance be taken for every instructional class and school day in a public school or school program.
- o provides that a public school shall differentiate between different types of absences.
- o requires a public school to document the following for each chronically or excessively absent student:
 - o attempts by the public school to notify a parent that the student was absent from class or the school day.

- o attempts to improve attendance by talking to a student or parent to identify barriers to school attendance, identify solutions to improve the student's attendance behavior and discuss necessary interventions for the student or the student's family; and
- o intervention strategies implemented to support keeping the student in an educational setting, including additional educational opportunities offered to the student.
- o requires a student or the parent of a student who intends to claim excused absence because of medical condition, pregnancy, or parenting to communicate the student's status to the appropriate school personnel and to provide required documentation; and
- o encourages and supports compliant data sharing, pursuant to the federal Family Educational Rights and Privacy Act of 1974, between a public school and community-based organizations that provide services to students for the purpose of providing more personalized interventions and specialized supports as part of the public school's attendance improvement plan.

Students who are experiencing homelessness, identified by the LEA, are entered, and “flagged” in the state’s Student Teacher Accountability Reporting System (STARS) by the LEA. This allows the state to review attendance data for students experiencing homelessness. In addition, the LEA is able to “flag” the student in the early warning system and employ the attendance improvement plan. LEAs submit homeless student data to PED on 40-day/80-day/120-day/End of Year for review and validation.

Removing barriers to enrollment and retention due to outstanding fees or fines.

New Mexico law [Section N of 6.29.1.9 NMAC](#) defines a student who is indigent as a student who has been deemed eligible for free and reduced-price meals, or a student who has been identified by the children, youth and families department as being in the custody. This includes students experiencing homelessness. The Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), the Food Distribution Program on Indian Reservations (FDPIR), and Medicaid (in some states), as well as foster youth, migrant, homeless, or runaway youth, and Head Start participants are “categorically eligible” (automatically eligible) for free school meals and can be certified without submitting a school meal application. In March of 2023, Gov. Michelle Lujan Grisham signed [Senate Bill 4](#), ensuring all students have access to free and healthy school meals.

[Section B of 22-15-10 NMSA, 1978](#) states that a student who is considered indigent, including students who are homelessness, cannot have their grades, diploma and transcripts withheld due to fines or fees.

Remediation, Retention and Access to Services and Supports

New Mexico law 22-2C-6 NMSA, 1978 provides the state’s guidelines for remediation and promotion. If a student is not academically proficient by the end of the second grading period,

the Student Assistance Team (SAT) should be consulted, and a parent conference is held with the parent and teacher. During this conference, they discuss academic deficiencies and remediation strategies. A written Academic Improvement Plan (AIP) is developed. The plan includes timelines, academic expectations, and the measures that will be used to determine if the student has overcome academic proficiencies. Remediation programs and academic improvement programs include tutoring, extended day or week programs, summer programs, and other research-based interventions and models for student improvement. There is no cost to remediation and academic improvement programs for students in grades first through eighth. Students who are considered indigent under NM law (students experiencing homelessness) in grades 9 – 12 are provided at no cost to the student or parents.

At the end of the eighth grade, a student who is not academically proficient shall be retained in the eighth grade for no more than one school year to become academically proficient or if the student assistance team determines that retention of the student in the eighth grade will not assist the student to become academically proficient, the team shall design a high school graduation plan (Next Step Plan involving the career counselor) to meet the student's needs for entry into the work force or a post-secondary educational institution. If a student is retained in the eighth grade, the student assistance team shall develop a specific academic improvement plan that clearly delineates the student's academic deficiencies and prescribes a specific remediation plan to address those academic deficiencies.

If needed, this alternative plan for students experiencing homelessness will be at no cost to the student or parents. The plan will be designed to meet the unique needs of the student as well as the criterion of the Multi-Layered System of Support discussed below.

MLSS is a coordinated and comprehensive framework for educators to use to organize their schools and school systems to support learning. This support is accomplished by identifying and supporting students' learning and behavioral needs and by recognizing and providing the resources teachers, health and wellness personnel, and school administrators require for full implementation and long-term sustainability of MLSS. MLSS supports high-quality instruction and intervention, healthy students, and safe learning environments.

In New Mexico students identified as experiencing an educational crisis are entitled to receive Layer 3, Intensive Interventions plus Layer 1 (universal) and Layer 2 (targeted) interventions under the state's Multi-Layered System of Support (MLSS). An educational crisis is an emotional or environmental situation that may be transitory or permanent in nature and that impacts the resilience of students and their potential for academic success. An educational crisis may be the result of social determinants of health. A crisis may be precipitated by school, community, and/or family factors including negative or unsafe school or community environment, a sustained lack of educational opportunity or rigor, food scarcity, lack of cross-cultural sensitivity, suicidal ideation or suicide attempts, death of family or friend, student or family drug/alcohol addiction, domestic violence, child abuse, and/or homelessness/unstable housing, among others. (Page 47-48, MLSS Manual)

Layer 3 intensive interventions for students experiencing homelessness include progress monitoring on weekly to biweekly basis to assess students' responses to interventions. Frequent communications (at least bi-weekly) with parent(s) or guardian(s) regarding assessed student progress is mandatory during Layer 3 intensive interventions. Layer 3 interventions may include but are not limited to pullout services by a reading specialist, push-in services provided by a behavior specialist, counseling services, and/or interventions provided by a general education teacher in the classroom.

Layer 3 intensive interventions are as part of the "intervention plan" for students who potentially could be retained in accordance with state law. If a student experiencing homelessness is retained despite the intensive Layer 3 interventions (Plus Layer 1 and 2 interventions), supports and wrap-around services, the student experiencing homelessness will continue to receive Layer 3 intensive interventions the following school year since the student automatically qualifies for these interventions.

7. Assistance from Counselors (722(g)(1)(K)): A description of how youths described in section 725(2) will receive assistance from counselors to advise such youths and prepare and improve the readiness of such youths for college.

The McKinney-Vento Act requires school counselors to support students experiencing homelessness in their college and career readiness. In order to equip school counselors to meet this requirement and to contribute to the overall success of students experiencing homelessness, the PED has done the following.

- **EHCY State Advisory Committee** has stakeholders from Higher Education, School Counselors, and college aged youth with lived experience of homelessness:
 - The Program Manager for the Financial Aid Division of the Higher Education Department is a member of the committee. Rich conversations occur about the barriers and challenges youths face when applying for and succeeding in higher education.
 - A School Counselor who is also a board member of the NM School Counselor Association.
 - Youth with lived experience of homelessness who are now attending or have attended college.
- **Conferences**: Time is dedicated to focusing on creating a pathway to Higher Education for students experiencing homelessness. These sessions were recorded and are posted on PED's EHCY website.
 - [Helping New Mexico Students Pursue Higher Education Presentation – PDF](#)
 - [Recording](#)
 - There's another one but I can't get the link to copy.

Training: The State Coordinator works with the College and Career Readiness Bureau to provide training on the MVA to school counselors in person or virtually.

EHCY Website: PED's EHCY website provides resources related to Higher Education:

- [Frequently Asked Questions \(FAQs\) for Higher Education](#)
- [Free Application for Federal Student Aid Who Can Determine Unaccompanied Homeless Youth Status](#)
- [Avoiding Common Free Application for Federal Student Aid Errors](#)
- [Unaccompanied Homeless Youth Documentation of Independent Status for the Free Application for Federal Student Aid](#)
- [Best Colleges: Homeless Student Resource Guide for Higher Education](#)

The New Mexico Opportunity Scholarship and Legislative Lottery Scholarship:

- NM residents can go to college for free. This includes students experiencing homelessness. With the New Mexico Opportunity and Lottery Scholarships, there are options for every New Mexican to pursue higher education without having to worry about the cost of tuition and fees.
- Established by Gov. Lujan Grisham in 2020, the Opportunity Scholarship covers tuition and required fees for eligible New Mexico residents pursuing career training certificates, associate degrees, and bachelor's degrees at New Mexico public colleges and universities. The Opportunity Scholarship can be used to cover up to 100% of tuition and required fees at any New Mexico public college or university. The New Mexico Legislative Lottery Scholarship will pay up to 100% of tuition (up to an undergraduate degree) for students who meet the eligibility criteria.
- Go here for more information: www.reachhighernm.com.