

Title VII, Subtitle B Summary for Public Comment

To be aligned with statutory requirements in the ESEA, as amended by the Every Student Succeeds Act (ESSA), NMPED proposes to update the following sections:

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.

NMPED's Student Identification procedures are described as the following:

- New Mexico's State Coordinator works with community partners to identify homeless students through training, technical assistance, and information dissemination.
- LEA data coordinators receive training on collecting, entering, and submitting data on homeless students.
 - LEA homeless liaisons and Title I, Part C Migrant Education Program (MEP) Coordinators receive training in identifying homeless students.
- School Food Authorities are trained to identify and directly certify homeless students for free breakfast and lunch.
- Superintendents are also provided training on best practices in removing barriers to homeless students' education.
- Posters on student rights are available in schools and other places.
- The EHCY State Advisory Committee helps with annual policy review and revision.
- The state's "Homeless Student Referral Form for Community Partners" gathers information on the student and the student's siblings and family members.
- Monitoring of all LEAs is conducted to ensure they comply with identifying and serving students experiencing homelessness.

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.

NMPED's Dispute Resolution procedures are described as the following:

- 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 whether they are missing school records, proof of residency, immunization, and other health records, lack a parent or legal guardian, or have unpaid fees.
 - 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. It must be immediately referred to the Homelessness Liaison.
 - The NMPED has a detailed guidance document on the dispute resolution process, New Mexico Educational Stability: Guidelines for Students Experiencing Homelessness.

- New Mexico's State Coordinator consults with the National Center on Homeless Education (NCHE) to develop model forms and to build awareness with partners.
 - The NMPED provides a dispute resolution form to remove barriers to dispute resolution and assist parents and unaccompanied youth in resolving differences.
 - An action item of the EHCY State Advisory Committee is to improve policies and procedures for homeless students.
 - LEA homeless liaisons train school staff on dispute resolution policies and practices.
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 support provided by NMPED to school personnel is described as follows:

- LEA homeless liaisons are identified and trained annually to provide the necessary support to students.
 - The state uses a "train the trainer" model and an online professional development program to ensure all staff receive the same information.
 - New Mexico updated its law to allow up to 60 professional work hours per school year for the elementary level and 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.
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;
 - 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
 - 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.

NMPED's Access to Services procedures are described as the following:

- Homeless children can access all eligible programs and services, including preschool, and stay in their schools of origin.
 - The New Mexico Early Childhood Education & Care Department and the Public Education Department administer Pre-K and preschool programs for eligible children ages 3-5.
 - Academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs.
 - New Mexico’s State Coordinator provides professional development for McKinney–Vento LEA homeless liaisons regarding access to services described above.
 - New Mexico law protects students who experience educational disruptions, including homeless students, under the McKinney-Vento Homeless Assistance Act.
 - The law indicates:
 - Students suspended or expelled can continue receiving services as part of a Free Appropriate Public Education (FAPE).
 - LEAs must transport homeless students according to state regulations and provide them with transportation comparable to non-homeless students.
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.
 - 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;
 - iii. lack of birth certificates, school records, or other documentation;
 - iv. guardianship issues; or
 - 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.

NMPED's Strategies to Address Other Problems are described as the following:

- Students experiencing homelessness in New Mexico have the right to enroll in school immediately, even without necessary records.
 - Homeless liaisons and school staff assist with obtaining ID's or birth certificates, which will be provided at no cost from July 2023.
 - New Mexico law requires all school-age persons to attend public school, private school, home school, or a state institution until they are at least 18 years old.
 - Highly mobile students experiencing homelessness, in foster care, migrant students, in the Juvenile Justice system, and those whose parents are in the military are given priority placement in classes.
 - Students experiencing homelessness cannot be denied enrollment in school due to dress code requirements.
 - The local homeless liaison helps them obtain necessary clothing through donations or funds.
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.

NMPED's Policies to Remove Barriers are described as the following:

- Laws and provisions for students for students experiencing homelessness:
 - When a student transfers between public schools or school districts, the receiving school must communicate with the sending school within two days and request records.
 - The student will have priority placement in classes that meet state graduation requirements and timely placement in comparable elective classes.
 - The district and public schools must ensure equal access to participation in sports, extracurricular activities, and special programs.
 - The student shall receive credit for any work completed before 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.*
 - *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.*
 - Students 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.
- New Mexico's state coordinator conducts desktop and onsite monitoring.
 - All LEAs are monitored to ensure compliance with the McKinney-Vento Act.

- 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 and the enrollment and retention of homeless children and youth in schools in the State.
 - LEA homeless liaisons share the policies, procedures, and forms.
 - Training is provided, in person, virtually, or through McKinney-Vento.org.
 - Every liaison must take the McKinney-Vento.org training before the beginning of the school year or soon thereafter.
- The EHCY SAC works together to identify issues that impact students experiencing homelessness' educational success.
- In the event of a natural disaster, the state's EHCY State Coordinator works with local liaisons and LEAs to expedite the identification of students experiencing homelessness.

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.

NMPED's Assistance from Counselors are described as the following:

- The EHCY State Advisory Committee has stakeholders from Higher Education, School Counselors, and college-aged youth with lived experience of homelessness.
- Conferences: Time is dedicated to creating a pathway to Higher Education for students experiencing homelessness.
- Training: The State Coordinator works with the College and Career Readiness Bureau to provide school counselors with in-person or virtual training on the MVA.
- EHCY Website: PED's EHCY website provides resources related to Higher Education
- The New Mexico Opportunity Scholarship and Legislative Lottery Scholarship
 - 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 Scholarship can cover up to 100% of tuition and required fees at any New Mexico public college or university.