

## Raymond School District Policy – JFABD

### ~~ADMISSION OF HOMELESS STUDENTS~~

#### EDUCATION OF HOMELESS CHILDREN AND UNACCOMPANIED YOUTH

It is the Board's intent to remove barriers to the identification, enrollment and retention in schools of homeless children and youth. All staff shall take reasonable steps to ensure that homeless students and children are not segregated or stigmatized and that educational decisions are made in the best interests of those students.

##### **A. Homeless Students.**

Under the federal McKinney-Vento Homeless Assistance Act (“McKinney-Vento”), and guidance provided by the New Hampshire Department of Education (“NHDOE”), the term “homeless children and youths” means “individuals who lack a fixed, regular and adequate nighttime residence.” Under both section 752(2) of McKinney-Vento and the NHDOE guidance\*, the term includes children and youth who are:

1. sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
2. living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandoned in hospitals;
5. have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
7. are migratory children who qualify as homeless because they are living in circumstances described above.

Additionally, as used in this policy, the terms “unaccompanied youth,” “school of origin,” “enrollment,” and “attendance area school” shall have the same meanings as set forth in the McKinney-Vento Homeless Assistance Act (“McKinney-Vento”) and guidance provided by the New Hampshire Department of Education (“NHDOE”). For purposes of this policy and its accompanying regulation, “homeless students” shall refer to and include “homeless children and youth” and “unaccompanied youth.”

\*Note: under RSA 193:12, IV, the definition of “homeless children and youth” also includes children “awaiting foster care placement”, see RSA 193:12, IV (a). That criterion, however, was removed from McKinney-Vento in 2015 as well as NHDOE guidance documents regarding McKinney-Vento. Under both McKinney-Vento, and NHDOE guidance, children who are awaiting foster care may fall within the

definition of a homeless student if they meet other criteria as set forth above. See also Policy JFABE.

Each homeless student shall have access to and shall be provided education services for which the student is eligible comparable to services provided to other students in the school, including career and technical education programs, gifted education programs, and school nutrition programs. Transportation services for homeless students shall be provided in accordance with applicable law and as generally described below.

**B. Enrollment and School Stability.**

Enrollment of a homeless student shall be immediate even if the homeless student lacks records routinely required prior to enrollment or has missed application or enrollment deadlines (academic, immunization, etc.). The District shall make arrangements to obtain any necessary records and to have the student receive any necessary immunizations. When feasible, the District shall seek immunization through no- or low-cost health care providers. If an expense is incurred, the District shall seek reimbursement through Medicaid if possible.

If a homeless student becomes permanently housed during the school year, the student shall no longer be considered homeless and may only continue enrollment in the District for the remainder of that school year.

**C. Homeless Liaison.**

The Superintendent shall appoint a staff member to serve as the local liaison for homeless students and their families/guardians (the “Homeless Liaison” or the “District Homeless Liaison”). The District shall provide training and other technical assistance to Homeless Liaison and other appropriate District staff regarding the District’s obligations to homeless students. Duties of the District Homeless Liaison shall be as provided in state and federal law, as well as local policies and procedures. The duties shall include, among others: procedures for identification, enrollment, transportation, dispute resolution for homeless students, as well as direct assistance shall be made in accordance with the accompanying regulation and applicable law.

Among other things, the District Homeless Liaison shall:

- a) assist in requesting the student’s records;
- b) mediate and assist with disputes concerning school enrollment and homelessness determinations;
- c) assist in making transportation arrangements;
- d) ensure that homeless students receive the educational services for which they are eligible or entitled;
- e) coordinate with other Districts, entities, institutions and agencies to help assure that homeless children and youths are identified by school personnel;
- f) ensure that unaccompanied youth and/or parents of homeless students are informed of the educational and related opportunities available to homeless students;

- g) work to assure that parents/guardians of such students are provided with opportunities to participate in the education of their children (excepting instances when court or other protective orders indicate otherwise);
- h) ensure that unaccompanied youth and/or parents of homeless students are informed of all transportation services including transportation to the school of origin;
- i) assure that notice is publicly disseminated of the educational rights of homeless children and youths;
- j) coordinate with other Districts and with local social services agencies and other agencies or programs providing services to homeless students as needed;
- k) assist any unaccompanied youth with enrollment, credit accrual, and career and college readiness decisions;
- l) work with the Superintendent or designee to monitor regulations and guidance related to this policy that may be issued by applicable state and federal agencies (e.g., DCYF, NHDOE, and the U.S. Department of Education).

**D. Enrollment Determinations for Homeless Students.**

Enrollment determinations shall be based upon the best interests of the homeless student, with the presumption that keeping the homeless student in the school of origin is in the homeless student's best interests, except when doing so is contrary to the request of the parent/guardian, or if applicable, unaccompanied youth.

**E. Transportation of Homeless Students.**

Under McKinney-Vento, homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the homeless student is located outside of District boundaries but a determination has been made that the student shall remain in the school of origin within the District, or, if a homeless student is located within this District, but a determination had been made that the student shall remain in the school of origin outside of the District, then the two Districts shall agree on a method to apportion cost and responsibility for the student's transportation or share the cost and responsibility equally.

**F. Dispute Resolution.**

For any decision in the enrollment process of a homeless student, including any determination whether a living situation meets the definition of homeless, if the decision is in conflict with the wishes of the homeless student's parent/guardian, or, if applicable, the unaccompanied youth, the District shall provide a written explanation, in a manner and form understandable to the student's parent, guardian or unaccompanied youth. District personnel receiving enrollment requests or information pertaining to homeless students should immediately refer those request to the District Homeless Liaison and Superintendent's office.

In the event of a dispute, the District shall immediately enroll the student in the school in which the parent/guardian or unaccompanied youth seeks to enroll, which enrollment

shall continue pending resolution of the dispute. Additionally, while enrollment disputes are pending, students have the right to participate fully in school and receive all services for which they would be eligible, as the definition of enrollment includes “attending classes and participating fully in school activities.”

**1. Notification of Appeal Process.**

If the District seeks to place a homeless child in a school other than the school of origin or the school requested by the parent, or the District has determined that the living situation does not qualify as homeless (“eligibility decision”), the District shall inform the parent or the unaccompanied youth of the right to appeal. The District shall provide the parent or unaccompanied youth with written notice including:

- a. A succinct explanation of the child’s placement/eligibility decision and contact information for the District Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth;
- b. Notification of the parent’s right to appeal(s);
- c. Notification of the right to enroll in the school of choice pending resolution of the dispute;
- d. A description of the dispute resolution process including a petition/appeal form that can be returned to the school to initiate the process and timelines; and
- e. A summary of the McKinney-Vento Act.

While the Superintendent or Homeless Liaison may prepare and make available forms for the process, use of such forms is not required to initiate the appeal process.

**2. Appeal to the District Homeless Liaison – Level I.**

- a. If the parent or unaccompanied youth disagrees with the District’s placement decision, he/she/they may appeal by filing a written request for dispute resolution/appeal (“appeal”) with the school, the District Homeless Liaison, or Superintendent. The request for dispute resolution should be submitted within fifteen business days of receiving notification of the District’s placement.
- b. If the appeal/request for dispute resolution is submitted to the school or Superintendent, it will be immediately forwarded to the Homeless Liaison.
- c. The District Homeless Liaison must log the complaint including a brief description of the situation and reason for the dispute and the date and time of the appeal was filed. Upon receipt, the District Homeless Liaison will forward a copy of the appeal document to the Superintendent.

- d. Within five business days of the receiving the appeal, the Homeless Liaison must provide the parent or unaccompanied youth with a written decision and notification of the parent’s right to further appeal, with a copy to the Superintendent. At this time, the Homeless Liaison will also provide to the parent or unaccompanied youth an “appeals package” consisting of a copy of the written decision, a copy of the original appeal document, and copies of any additional materials provided to the Homeless Liaison by the parent or unaccompanied youth.

**3. Appeal to the Superintendent – Level II.**

The parent or unaccompanied youth may appeal the Level I decision to the Superintendent or the Superintendent’s designee, using the appeals package provided at Level I.

- a. The Superintendent/designee will arrange for a personal conference to be held with the parent or unaccompanied youth within five business days of receiving the Level I appeals package. (Upon the request of the parent or unaccompanied youth, this conference may be held telephonically).
- b. Within five business days of the conference with the parent or unaccompanied youth, the Superintendent/designee will provide that individual with a written decision with supporting evidence and notification of their right to appeal to NHDOE.
- c. The Superintendent/designee shall provide a copy of the Superintendent’s decision to the District’s Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth.

**G. Records.**

The District shall maintain copies of all written decisions, appeals and notifications concerning eligibility or enrollment requests made under this policy for the same period as it does for Title I records.

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**Legal References:**

- 20 U.S.C. 1232g (Family Educational Rights and Privacy Act – “FERPA”)*
- 20 U.S.C. 1701-1758 (Equal Educational Opportunities Act of 1974 – “EEOA”)*
- 20 U.S.C. 6313(c)(3) (reservation of Title I funding for homeless children and youths)*
- 42 U.S.C. §11431 and §11432 (McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth)*
- Plyler v. Doe, 457 U.S. 202 (1982)*
- RSA 193:12, Legal Residence Required*
- NH Code of Administrative Rules, Section Ed 306.04(a)(19), Homeless Students*

Adopted: February 20, 2008

Proposed New Policy Second Reading: October 16, 2019

~~In accordance with federal and state law, the Raymond School Board will ensure that homeless children and youth are provided with equal access to its educational programs and services comparable to those provided to other students in the schools; are not segregated on the basis of their status as homeless; and are provided transportation to and from the homeless student's school of origin.~~

#### ~~Local Homeless Liaison~~

~~The Raymond School Board appoints the Special Education Director as its Local Educational Agency Liaison for Homeless Children and Youth. The liaison shall coordinate with local social service agencies that provide services to homeless children and youth and their families; the other school district on issues of transportation and records transfers; and State and local housing agencies responsible for comprehensive housing affordability strategies. The liaison will also review and recommend to the School District changes in policies that may act as barriers to the enrollment of homeless students.~~

#### ~~Definition of Homeless Children and Youth~~

~~The term "homeless children and youths" means children who lack a fixed, regular, and adequate nighttime residence due to loss of housing, economic hardship, or similar reasons.~~

~~It includes children who:~~

- ~~1. Are temporarily sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason~~
- ~~2. Are living in motels, hotels, or camping grounds due to the lack of alternative adequate accommodations~~
- ~~3. Are living in emergency shelters~~
- ~~4. Are abandoned in hospitals; or are awaiting foster care placement~~
- ~~5. Have a nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings~~
- ~~6. Are living in cars, parks, public spaces, abandoned buildings, substandard~~

~~housing, bus or train stations, or similar settings.~~

~~Migratory children (as defined in 20 U.S.C. § 6399) and unaccompanied youth (youth not in the physical custody of a parent or guardian) may be considered homeless if they meet the above definition.~~

#### ~~Procedure~~

#### ~~School Selection~~

~~In accordance with federal and state law, the Raymond School District will make placement decisions based on the child's best interests and will:~~

- ~~1. Continue the child's education in the school of origin for the duration of homelessness, if the child becomes homeless between academic years or during an academic year; or for the remainder of the academic year, if the child becomes permanently housed during an academic year; or~~
- ~~2. Enroll the child in any school that non-homeless students who live in the attendance area in which the child is actually living are eligible to attend.~~

~~In determining the best interest of the homeless child, the Raymond School District will:~~

- ~~1. To the extent feasible, keep the child in the school of origin, except when doing so is contrary to the wishes of the child's parents or guardian;~~
- ~~2. Provide a written explanation, including a statement regarding the right to appeal as described below, to the homeless child's parent or guardian if the School District sends the child to a school other than the school of origin or a school requested by the parent or guardian;~~
- ~~3. In the case of an unaccompanied youth, ensure that the School District's homeless liaison assists in the placement or enrollment decisions regarding the student, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal described below.~~

~~The "school of origin" means the school that the child attended when permanently housed, or the school in which the child was last enrolled.~~

~~The decision regarding placement shall be made regardless of whether the child lives with the homeless parents or guardian or has been temporarily placed elsewhere.~~

#### ~~Enrollment~~

~~The school selected shall immediately “enroll” the child, even if the child is unable to produce records normally required for enrollment. The school selected will immediately contact the school last attended by the child to obtain records.~~

~~The terms “enroll” and “enrollment” are defined to mean attending school and participating fully in school activities.~~

#### ~~Comparable Services~~

~~Each homeless child shall be provided services comparable to services offered to other students in the school selected, such as~~

- ~~1. Preschool programs~~
- ~~2. Transportation services~~
- ~~3. Educational services for which the child meets eligibility requirements such as ESL or special education programs~~
- ~~4. Programs for “At Risk” students~~
- ~~5. School nutrition programs~~
- ~~6. After School programs~~

#### ~~Transportation~~

~~The request of the parent or guardian (or in the case of an unaccompanied youth, the local homeless liaison), the Raymond School District will provide transportation for homeless children to and from the school of origin in accordance with the following requirements:~~

- ~~1. If the homeless child continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange for the child’s transportation to or from the school of origin~~
- ~~2. If the homeless child continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally~~



## Disputes

~~If a dispute arises over school selection or enrollment, the child shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute; and the following procedures shall be used to resolve the dispute:~~

- ~~1. The local homeless liaison will provide guidance, technical assistance and mediation support to resolve disputes at the local level~~
- ~~2. If the issue is not resolved, parents of homeless children and/or unaccompanied youth will be provided with written information about the dispute process. The local homeless liaison will act on the behalf of unaccompanied youth to resolve disputes.~~
- ~~3. The State Coordinator for the Education of Homeless Children in the State Department of Education will be called upon to assist in resolving differences which are not resolved at the local level.~~
- ~~4. The superintendent shall decide residency issues~~
- ~~5. If more than one school district is involved in a residency dispute or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make a decision, and such determination shall be final.~~
- ~~6. In those instances when an agreement cannot be reached in a timely manner, the commissioner of education shall make a determination and such determination shall be final.~~

~~As required by: The McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431, et seq. and RSA 193:12, IV.~~