

5056 (JFABD) EDUCATION OF HOMELESS CHILDREN 5056 (JFABD) AND UNACCOMPANIED YOUTH

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 5057.

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/guardians 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 parent/guardian
- i. s/guardians of homeless students are informed of all transportation services including transportation to the school of origin;
- j. assure that notice is publicly disseminated of the educational rights of homeless children and youths;
- k. coordinate with other Districts and with local social services agencies and other agencies or programs providing services to homeless students as needed;
- l. assist any unaccompanied youth with enrollment, credit accrual, and career and college readiness decisions;

- m. 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 requests 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/guardian, or the District has determined that the living situation does not qualify as homeless ("eligibility decision"), the District shall inform the parent/guardian or the unaccompanied youth of the right to appeal. The District shall provide the parent/guardian 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/guardian'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/guardian 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 (15) 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 (5) business days of receiving the appeal, the Homeless Liaison must provide the parent/guardian or unaccompanied youth with a written decision and notification of the parent's/guardian's right to further appeal, with a copy to the Superintendent. At this time, the Homeless Liaison will also provide to the parent/guardian 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/guardian or unaccompanied youth.

3. Appeal to the Superintendent – Level II.

The parent/guardian 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/guardian or unaccompanied youth within five (5) business days of receiving the Level I appeals package. (Upon the request of the parent/guardian or unaccompanied youth, this conference may be held telephonically).
- b) Within five (5) business days of the conference with the parent/guardian 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.

Adopted: April 4, 2022

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