

**EDUCATION OF HOMELESS CHILDREN & UNACCOMPANIED YOUTH**

As required by law, the district will work with homeless students and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided district services for which they are eligible, including Head Start and comparable pre-school programs, Title I, similar state programs, special education, ELL services, vocational and technical education programs, and school nutrition programs.

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

- Sharing the housing of other persons due to loss of housing or economic hardship;
- Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
- Living in emergency or transitional shelters;
- Are abandoned in hospitals;
- Living in public or private places not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
- Are migratory children living in conditions described in previous examples?

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.

- i. homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;
- ii. homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;
- iii. homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the local educational agency;
- iv. homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;
- v. the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- vi. public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable

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- vii. to the parents and guardians of homeless children and youths, and unaccompanied youths; enrollment disputes are mediated in accordance with paragraph (3)(E);
  - viii. the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);
  - ix. school personnel providing services under this part receive professional development and other support; and
  - x. unaccompanied youths -
    - a. are enrolled in school;
    - b. have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(F)(ii); and
    - c. are informed of their status as independent students under section 1087vv of title 20 and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 1090 of title 20.

The District will inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children and youths, and homeless children and youths of these duties.

To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in which attendance area the student is actually living, or other schools.

If there is an enrollment dispute, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute.

The parent/guardian shall be informed of the district's decision and their appeal rights in writing. Un-accompanied youth will also be enrolled pending resolution of the dispute (see Dispute Resolution below).

Once the enrollment decision is made, the school shall immediately enroll the student, pursuant to district policies. If the student does not have immediate access to the immunization records, the student shall be admitted under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Records from the student's previous school shall be requested from the previous school pursuant to district policies. Emergency contact information is required at the time of enrollment consistent with district policies.

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in a different district, or a homeless student is living in another district but will attend his or her school of origin in this district, the districts will make reasonable efforts to coordinate the transportation services necessary for the student.

The district's liaison for homeless students and their families shall coordinate with local social services agencies that provide services to homeless children, youths, and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. The district's liaison will review and recommend to the district policies that may act as barriers to the enrollment of homeless students and conduct an annual staff training for the district to review the qualifications, forms, and procedures of McKinney-Vento Act

### **Dispute Resolution**

If an unaccompanied youth or parent or guardian disagrees with a school placement decision, the district must provide a written explanation of its decision and the right to appeal. All unaccompanied homeless youth or the parents or guardians of homeless students must be informed of the right to appeal the district's school placement decision and must be given a JFADB-R form to submit to the district's Homeless Liaison. The Homeless Liaison, working with the parent or guardian or unaccompanied youth shall attempt to resolve the dispute at the building level with the Principal within 5 working days of receipt of the form.

If a building-level resolution is not possible, the Homeless Liaison shall submit the completed JFADB-R form to the Superintendent of Schools. The Superintendent shall review the request and render a decision within 5 working days of receipt of the form from the Homeless Liaison. If more than one school district is involved in a residence dispute, the respective superintendents shall consider an appeal jointly.

A written explanation of the Superintendent's decision shall be provided to the parent/guardian or unaccompanied youth. The Superintendent's explanation shall include a statement informing the parent/guardian or unaccompanied youth of the right to appeal the decision to the Board of Education and the State Commissioner of Education. The district's Homeless Liaison shall assist the parent/guardian or unaccompanied youth with preparation of an appeal to the Board of Education or the State Commissioner of Education.

If the unaccompanied youth or parent or guardian wishes to appeal the Superintendent's decision, that individual shall inform the Homeless Liaison and the appeal shall be heard by the Board of Education at its next regularly scheduled monthly meeting, in non-public session, if desired by the parent/guardian.

In accordance with the state dispute resolution process, the State Commissioner of Education or his/her designee shall make a determination within 14 days of notice of the residency dispute and such a determination shall be final. A written explanation shall be provided to all parties and shall be kept on file by the commissioner. Any person aggrieved by the decision of the State Commissioner of Education may appeal to a court of competent jurisdiction.

During the appeals process, students are entitled to immediate admittance to the school in which enrollment is sought.

### **Legal Reference:**

*RSA 193:12, Legal Residency Required*

*NH Code of Admin., Sect. Ed 206.04(a)(19), Homeless Students*

*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 USC 11431 & 11432, McKinney-Vento Homeless Education Act*

*No Child Left Behind Act, 2001, Title X*

*NHDOE Homeless Education Dispute Resolution Process*

*Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

Board Approved:      07/19/2004  
                                 04/09/2007 [Replaces Policy 3212]  
                                 02/17/2020  
                                 01/30/2023  
                                 04/29/2024  
                                 07/22/2024