



## **5100.9: ENROLLMENT OF HOMELESS CHILDREN AND YOUTHS**

**I. The District will comply with the federal and state laws regarding homeless children and youths.**

A. "Homeless child or youth" shall mean:

1. An individual who lacks a fixed, regular, and adequate nighttime residence; and

a. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.

b. Children and youths who 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, within the meaning of 42 U.S.C. § 11302(a)(2)(c);

c. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

d. Migratory children, as defined in 20 U.S.C. § 6399, who qualify as homeless because the children are living in circumstances described in subsections I (A)(1)(a)-(c) above.

B. The term "homeless child or youth" does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or State law.

**II. Homeless Coordinator. The District's designated Homeless Coordinator is the Director of Student Services. The Homeless Coordinator shall serve as the school liaison for homeless children and youth.**

A. Responsibilities. The responsibilities of the Homeless Coordinator are to assist with the identification, enrollment, and placement of homeless children and youth, and to provide support and staff development activities to all school personnel regarding the educational rights and needs of homeless children and youth, as needed. The Homeless Coordinator shall ensure that:

1. Homeless children and youths are identified by school personnel and through outreach and coordination activities with other entities and agencies;

2. Homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in schools of the District and to meet the same State academic standards to which all student are held;

3. Homeless children and youths and their families have access to and receive educational services for which they are eligible and referrals to health care services, dental services, mental health and substance

abuse services, housing services, and other appropriate services;

4. 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;

5. Written notices are provided in accordance with federal law and public notices of the educational rights of homeless children and youths are 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 to the parents and guardians of homeless children and youths, and unaccompanied youths;

6. Enrollment disputes are mediated in accordance with Section VI of this Rule;

7. The parents or guardians of homeless children and youths, and any unaccompanied youth, are fully informed of transportation services available under law;

8. Unaccompanied youths are enrolled in school, have opportunities to meet the same State academic standards as the State establishes for other children and youth, and that unaccompanied youth are informed of their status as independent students under the Higher Education Act of 1965 and may obtain assistance from the Homeless Coordinator to receive verification of such status for purposes of the free application for federal aid pursuant to 20 U.S.C. § 1090.

B. Coordination. The Homeless Coordinator shall coordinate with State coordinators and community organizations as well as school personnel responsible for the provision of education and related services to homeless children. Coordination activities with area shelters and other homeless service providers are to be established by the Homeless Coordinator.

C. Financial. In conjunction with the Business Office, the Homeless Coordinator shall ensure that financial records are maintained to show expenditures are for authorized activities.

D. Program Activities. The Homeless Coordinator shall design program activities to meet the greatest need as determined by the District and homeless service providers.

E. Documentation. The Homeless Coordinator shall document the number of homeless children and youth receiving services.

F. Student Records. The Homeless Coordinator shall ensure that any record ordinarily kept related to students, including immunization and other required health and medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, shall be maintained so that the records of a homeless child or youth are available, in a timely fashion, when the child or youth enters

a new school or school district and in a manner consistent with the Family Educational Rights and Privacy Act.

### **III. Enrollment and Placement of Homeless Children and Youth. The enrollment and placement of homeless children and youths shall be in compliance with federal and state laws.**

A. Enrollment. A homeless child or youth shall be immediately enrolled even if the child or youth is unable to produce records normally required for enrollment. Lack of previous school records, immunization and other required health and medical records, birth certificate, or other documentation from the previous school will not delay the enrollment of a homeless child or youth. Guardianship issues, uniform or dress code requirements, and residency requirements will not be an obstacle to delay or deny enrollment. The District may nonetheless require the parent or guardian of the homeless child or youth to submit contact information.

B. Obtaining Records. The District shall immediately contact the school last attended by the homeless child or youth to obtain relevant academic and other records. If the homeless child or youth needs to obtain immunizations or other required health or medical records, the District shall immediately refer the parent or guardian of the homeless child or youth to the Homeless Coordinator, who shall assist in obtaining necessary immunizations or screenings, or the immunization or other required health or medical records.

C. Placement. Placement decisions for a homeless child or youth shall be made according to the District's determination of the child's or youth's best interest.

1. In determining the best interest of the child or youth, the District shall:

a. Presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian; and

b. Consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian; and

c. If after conducting the best interest determination based on consideration of the presumption and the student-centered factors, the District determines that it is not in the child's or youth's best interests to attend the school of origin or the school requested by the parent or guardian, the District shall provide the child's or youth's parent or guardian with a written explanation of the reasons for the determination, in a manner and form understandable to such parent or guardian, including information regarding the right to appeal.

2. If placed in the school of origin, the placement shall continue for the duration of the child's or youth's homelessness. If the child or youth becomes permanently housed (no longer homeless) during the school year the placement in the school of origin will be continued for the remainder of that school year. When the child or youth completes the final grade level served by the school of origin, the District designated receiving

school at the next grade level shall become the school of origin.

3. If the homeless child is an unaccompanied youth, the Homeless Coordinator shall assist in the placement decision, give priority to the views of the unaccompanied youth, and, if it is determined not to be in the unaccompanied youth's best interests to attend the school of origin or the school requested by the unaccompanied youth, provide the unaccompanied youth with a written explanation of the reasons for the determination, in a manner and form understandable to such unaccompanied youth, including information regarding the right to appeal.

4. The grade placement for the homeless child or youth will be the appropriate grade level as determined by the building principal or designee using the same procedures that are used for placing non-homeless children or youths attending that school.

**IV. Educational Services and Stigmatization or Segregation. It is the District's policy that homeless children and youths not be stigmatized or segregated on the basis of their status as homeless. Homeless children and youths will be provided the same free appropriate public education as other students. Homeless children and youths will be provided services comparable to services offered to other students in the school in which the homeless child or youth has been placed, including transportation services, educational services for which the student meets the eligibility criteria, such as services provided under Title I, educational programs for children with disabilities, educational programs for English language learners, programs in vocational, career and technical education, programs for gifted and talented students, and school nutrition programs.**

**V. Transportation. Transportation will be provided to homeless children and youths to the extent required by law.**

A. Comparable Service. Transportation will be provided to homeless children and youths comparable to that provided to students who are not homeless.

B. School of Origin. When a homeless child or youth attends the school of origin, transportation will be provided to and from the school of origin upon request of the parent or guardian of the homeless child or youth, or upon request of the Homeless Coordinator in the case of an unaccompanied youth. If the homeless child or youth relocates out of the District but continues to be enrolled in the District based on it being the school of origin, the District will negotiate with the school district in which the child or youth is residing to develop a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If agreement is not reached, the responsibility and cost for transportation shall be shared equally.

C. Eliminate Barriers. Transportation will be provided when necessary to eliminate barriers to school enrollment and retain children and youths experiencing homelessness.

## **VI. Dispute Resolution Procedures.**

A. If a parent, guardian, or other person having legal or actual charge or control of a homeless child or youth has any complaint or dispute regarding eligibility, the educational placement, or enrollment of such homeless child or youth, the following procedures shall be followed so as to promptly resolve the complaint or dispute.

1. The homeless child or youth and the parent or guardian shall be referred to the Director of Student Services and they will be required to submit a written dispute statement to the Director of Student Services.
2. When it is determined that additional information would be helpful, the Director of Student Services will schedule a meeting within ten (10) days, or such time as practicable, at which time the homeless child or youth and parent or guardian will be given the opportunity to provide information in support of their position.
3. The Director of Student Services will contact school officials and others as determined appropriate to obtain information to corroborate the information provided in support of the positions of the homeless child or youth and parent or guardian and the District.
4. The Director of Student Services will provide a written response and explanation of a decision regarding the dispute within thirty (30) calendar days after receiving the dispute statement.
5. The written response and explanation of the decision will include a notice of the right to appeal using the appeal process provided in Nebraska Department of Education Rule 19.

B. During the time such a complaint or dispute is being considered, including all available appeals, the homeless child or youth shall be enrolled in the school where enrollment is sought.

### **Date of Adoption**

July 11, 2011

### **Date of Revision**

January 23, 2012

September 5, 2017

### **Related Policies and Rules**

[5100: Enrollment of Students](#)

[5100.1: Enrollment of Students - Residency Requirements](#)

## **Legal Reference**

42 U.S.C. § 11431 et seq.

Neb. Rev. Stat. § 79-215(3)

Title 92, Nebraska Administrative Code, Chapter 19-005