

The board of trustees of this district recognizes the right of all students residing within the district boundaries, including those who are homeless, to immediately enroll in, and participate in, the district's educational and support programs.

DEFINITIONS

“Child” and “youth” mean those persons, including preschool-age children, who, were they children of residents of the state, would be entitled to a free, appropriate public education.

“Free, appropriate public education” means the educational programs and services that are provided to the children of a resident of a state and that are consistent with state school attendance laws. States and LEAs serving homeless children and youth must ensure that such children and youth have access to appropriate educational services to ensure they have the opportunities to meet the same challenging state content and state student performance standards to which all children are held.

“Educational services” for homeless students may include Title I Part A of the ESEA, educational programs for individuals with disabilities and for students with limited English proficiency, programs in vocational education, programs for the gifted and talented, Head Start, Even Start, and school meals programs, to the extent such services are provided to other students attending this district's schools.

“Homeless” or “homeless individual” means an individual who lacks a fixed, regular, and adequate nighttime residence, and who has a primary nighttime residence that is:

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
2. An institution that provides a temporary residence for the individuals intended to be institutionalized; or
3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

“Homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

“School of origin” means the school that the student attended when permanently housed or the school in which the student was last enrolled.

“Unaccompanied youth” means a youth not in the physical custody of a parent or guardian.

IDENTIFYING A STUDENT AS A HOMELESS INDIVIDUAL

The district will make a determination as to whether a student is homeless on a case-by-case basis, considering the relative permanence of the living arrangements. In making such determination, the following guidelines apply:

1. In general, children or youth living in welfare hotels, transitional housing shelters, the streets, cars, abandoned buildings, and other inadequate accommodations are considered homeless.
2. Children or youth in a transitional or emergency shelter because there is nowhere else to send them, while awaiting placement in a foster home or a home for neglected children, are considered homeless. Once placed in a foster home or a home for neglected children, they should no longer be considered homeless.
3. Children and youth staying temporarily in trailer parks or camping areas because they lack adequate living accommodations should be considered homeless. Those living in trailer parks or camping areas on a long-term basis in adequate accommodations should not be considered homeless.
4. Children and youth who are sharing housing with other families or individuals are considered homeless if they are doubled-up because of a loss of housing or other similar situation. Families living in doubled-up accommodations voluntarily to save money generally should not be considered homeless.
5. In general, children and youth in foster homes are not considered homeless. Children placed in foster homes for lack of shelter space, however, should be considered homeless.
6. Throwaway children or youth (i.e., those whose parents or guardians will not permit them to live at home) are considered homeless if they live on the streets, in shelters, or in other transitional or inadequate accommodations.
7. Children and youth who are incarcerated for violation or alleged violation of a law should not be considered homeless even if, prior to their incarceration, they would have been considered homeless because they were living in inadequate accommodations. Children and youth who are under care of the State and are being held in an institution because they have no other place to live should be considered homeless. Once these children are placed in more permanent facilities, they are no longer considered homeless.
8. Migratory children should not be considered homeless simply because they are children of migratory families. To the extent that migratory children are staying in accommodations not fit for habitation, they should be considered homeless.

9. Children or youth who have run away from home and live in runaway shelters, abandoned buildings, the streets, or other inadequate accommodations are considered homeless, even if their parents have provided and are willing to provide a home for them.
10. In general, if school-age unwed mothers or expectant mothers are living in homes for unwed mothers, and they have no other available living accommodations, they should be considered homeless. However, if they are staying in such a home only temporarily to receive specific health care or other services, and intend to move to other adequate accommodations, they should not be considered homeless.
11. When children and youth remain in a hospital beyond the time that they would normally stay for health reasons because they have been abandoned by their families. These children and youth should be considered homeless because they have no other place to live. Children and youth that were homeless prior to hospitalization should be considered to be homeless while they are in the hospital, unless regular and adequate living accommodations will be made available to them upon release from the hospital.

STUDENT RIGHTS

Homeless students who are enrolled in this district have the right to:

1. Equal access to all educational programs and services, including transportation and school nutrition programs;
2. Continue to attend school in their school of origin for the duration of homelessness or the current school year, whichever ends first;
3. Attend regular public school with students who are not homeless, unless there exists a legitimate reason for requiring attendance at another school; and
4. Receive all educational services for which they are eligible (i.e., special education, gifted and talented, and LEP).
5. Not be segregated or stigmatize on the basis of their status as a homeless student.

PLACEMENT DETERMINATIONS

The district's determinations regarding placement of homeless students must be based on the "best interest" of the student and, to the extent feasible, keeping a homeless student in the school of origin, unless doing so is contrary to the wishes of the student's parents or guardian. The placement determination will be student-centered and made on a case-by-case basis. In making its determination, the district will consider the desires of the student's parent/guardian, as well as the student's age, the distance of a commute and the impact that the commute may have on the student's education, and personal safety issues; a student's need for special instruction; the

length of anticipated stay in temporary shelter or other temporary location, and the time remaining in the school year.

DISTRICT RESPONSIBILITIES

The schools in this district will develop strategies for meeting the needs of homeless students and eliminating barriers to their attendance at school, including identification, and the provision of appropriate support services.

LOCAL LIAISON

The superintendent will appoint a local liaison to be one of the district's primary contacts between homeless families, district personnel, and other service providers. The liaison is responsible for coordinating services to ensure that homeless students enroll in school and have an opportunity to succeed academically.

The liaison shall ensure:

1. Homeless students are identified by school personnel and coordinate identification activities with other entities;
2. Homeless students enroll and have full opportunity to succeed in school;
3. Homeless students receive educational services for which they are eligible, including preschool programs and referrals to health, mental health, dental, and other appropriate services;
4. Parents/guardians of homeless students and unaccompanied youth are informed of educational and related opportunities available to homeless students and provided meaningful opportunities to participate;
5. Parents/guardians of homeless students and unaccompanied youth are informed of all transportation services and assisted in accessing them;
6. Enrollment disputes are mediated in accordance with Idaho State Board of Education rules and this board's policy; and
7. Public notice of the educational rights of homeless students is disseminated to locations where children and youth receive services.

The liaison shall also collaborate and coordinate with the State Coordinator for the Education of Homeless Children and Youth, and community personnel who work with these students and their families.

TRANSPORTATION

The district shall provide homeless students with transportation services comparable to those offered to other students at the school of attendance.

If a homeless student moves to a shelter that is in another attendance area within the district, the superintendent or designee shall arrange transportation that enables the student to continue attending the same school, if requested by the parent or guardian.

If a homeless student attending school in this district moves to a shelter in another district, the superintendent or designee shall arrange transportation that enables the student to continue attending the same school in this district, through the services of this district, the new home district, or an outside agency if the parent/guardian requests that the student remain in the school of origin and doing so is determined to be in the best interests of the student.

DISPUTE RESOLUTION PROCESS

In compliance with the McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B, the No Child Left Behind Act, and Idaho Code Section 33-1404, the following procedures are established to promptly resolve disputes regarding the educational placement of homeless students:

1. If there is a dispute regarding the educational placement of a homeless student or the district denies a child homeless status, a written notice of explanation of such decision shall be promptly provided to the parent/guardian, or to the unaccompanied student. Such notice will be in language the parent/guardian or unaccompanied student can understand, and include a description of how to dispute the decision and a summary of the dispute resolution process.
2. The district will promptly refer the parent/guardian or unaccompanied student to the district's homeless liaison, who shall carry out the dispute resolution process as expeditiously as possible. The homeless liaison shall advise the parent/guardian of the student's rights, and assist in the dispute resolution process. With respect to unaccompanied students, the homeless liaison shall ensure that the dispute resolution process is followed.
3. During the pendency of the dispute resolution process, the student will be immediately enrolled in the school selected by the parent/guardian, or by the unaccompanied student. All educational services for which the student is eligible will be provided, including attending classes and participation in all school activities.
4. If the parties cannot reach an agreement regarding the educational placement of the student, then the district will promptly seek further assistance and review from the State Department of Education, which will appoint a qualified individual to further assist in the

dispute resolution process and determine how the student's best interests will be served. This reviewer will be completed within seven (7) business days of the appointment of the reviewer.

5. The written findings, conclusions, and recommendation of the reviewer will be considered by the board of trustees at their next scheduled meeting. The board may accept or reject the recommendation. The board's determination will constitute the final resolution of the dispute.

PROVISION OF COMPARABLE SERVICES

The district must, at all times, provide services to each homeless student that are comparable to services offered to other students in the school. Such services must include any program for which the student is eligible, including preschool, special education, gifted and talented programs, limited English proficiency, vocational education, before- and after-school programs, school nutrition, and transportation.



LEGAL REFERENCE:

Elementary and Secondary Education Act (2001)

McKinley-Vento Homeless Assistance Act (2001, Section 724(g)), as amended by the No Child Left Behind Act of 2001, 42 USC 11431, *et seq.*

Idaho Code Section 33-1404

State Superintendent of Public Instruction Memorandum dated March 7, 2005, re: Dispute Resolution Process for Homeless Students

ADOPTED: 5/16/2011