Administrative Rule

ADMISSION OF HOMELESS STUDENTS

Code **JFABD-R** **Issued 11/2023**

Definitions

Enrollment - attending classes and participating fully in school activities.

School of origin - the school that the student attended when permanently housed or the school where last enrolled, including a preschool, and the designated receiving school at the next grade level for all feeder schools when a student completes the final grade level served by the school of origin.

Homeless student - individual who lacks a fixed, regular, and adequate nighttime residence and includes the following:

- student who is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in a motel, hotel, trailer park, or camping ground due to lack of alternative adequate accommodations; is living in emergency or transitional shelter; or is abandoned in a hospital
- student who has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for a human being
- student who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting
- ***migratory student as defined by federal code, who are legally in the United States,*** and who qualify as homeless because the student is living in circumstances described above
- ***student who lives in a supervised publicly or privately owned shelter designated to provide temporary living arrangements or in a transitional housing program or other time- limited housing***

Unaccompanied student - includes a student not in the physical custody of a parent/guardian ***and lacks a fixed, regular, and adequate nighttime residence.***

Assignment to School

The district will, according to the student's best interest, continue the student's education in the school of origin for the duration of homelessness, or enroll the student in a school on the same basis as other students in the attendance area in which the homeless student is actually living.

In determining the best interest of the student, the district will do the following:

- Give priority to the request of the parent/guardian or unaccompanied student.

- Operate under the presumption that placement in the school of origin is in the student's best interest and, to the extent feasible, keep a homeless student in the school of origin, unless doing so is contrary to the wishes of the student's parent/guardian.
- Consider student-centered factors in making its determination, including, but not limited to, the effect of mobility on the achievement, education, health, and safety of homeless students and the placement of the student's siblings.

- Provide a written explanation, including a statement regarding the right to appeal and to request a state-level review, if the district sends a homeless student to a school other than the school of origin or the school requested by the parent/guardian.

- In the case of an unaccompanied student, ensure that the district's liaison, helping with placement or enrollment decisions, considers the views of the student and provides notice of the right to appeal and to request a state-level review.

When a student obtains permanent housing, transportation to the school of origin will be provided until the end of the academic year if it is in the best interest of the student to remain in that school.

Enrollment

The district will immediately enroll the student in the school selected even if the student is unable to produce records normally required for enrollment such as academic records, medical records, proof of residency, proof of guardianship, birth certificates, or other documentation.

The district will contact the school last attended to obtain relevant academic and other records.

If the student needs to obtain immunizations or medical records, the district will refer the parent/guardian to the district's liaison who will help in obtaining necessary immunizations or records.

As appropriate, the district will ensure homeless students have access to academic and extracurricular activities for which they meet eligibility criteria.

Records

Any records ordinarily maintained by the district including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs will be maintained so that the records are available in a timely fashion when a homeless student enters a new school or district, consistent with state and federal law.

Schools will treat information about a homeless student's living situation as a student education record, subject to the protections of the Family Educational Rights and Privacy Act (FERPA).

Enrollment Disputes

If a dispute arises over school selection or enrollment, the student will immediately be admitted to the requested school pending resolution of the dispute.

The parent/guardian of the student will be provided with a written explanation of the district's decision regarding school selection, including the rights of the parent/guardian or student to appeal the decision. At a minimum, the explanation will include the following:

- the justification of how the school reached its decision regarding eligibility, school selection, or enrollment, including:
  - a description of the action proposed or refused by the district
  - an explanation of why the action is proposed or refused
  - a description of any other options the school considered
  - the reasons why any other options were rejected
  - a description of any other factors relevant to the school's decision and information related to the eligibility or best interest determination, including the facts, witnesses, and evidence relied upon and their sources

- appropriate timelines to ensure any relevant deadlines are not missed

- contact information for the local liaison and state coordinator and a brief description of their roles

The student or parent/guardian will be referred to the district's liaison who will ensure the resolution process is carried out as expeditiously as possible. In the case of an unaccompanied student, the district's liaison will ensure the student is immediately enrolled in school pending the resolution of any administrative or judicial proceeding regarding an enrollment dispute. The student must be provided all relevant services and be allowed to participate fully in all school activities.

When it is determined that a dispute cannot be settled at the district level, the district will do the following in a timely manner:

- Inform the unaccompanied student or parent/guardian of a homeless student of his/her right to request a South Carolina Department of Education (SCDE) review of the district's decision. This request must be made either on the district-supplied request-for-review form or by a telephone interview with the appropriate SCDE contact.

- Provide the unaccompanied student or parent/guardian a copy of the appropriate form and the SCDE contact information.

- Inform the unaccompanied student or parent/guardian that he/she may seek the assistance of advocates or attorneys for the review.

After receiving the appropriate documentation from SCDE, the district will respond to the department and the individual filing the state review request within five business days.

See JFABD-E(1-3) for further information regarding the settlement of enrollment disputes.

Services

Each homeless student will be provided services comparable to services offered to other students, including the following:

- transportation services
- education services for which the student is eligible, such as the following:
  - Title 1
  - special education
  - programs for English learner students
  - career and technical education programs
  - talented and gifted programs
  - advanced placement courses
  - online learning
- school nutrition programs
- extracurricular activities

Coordination

The district will coordinate the provision of services to homeless students with local social service agencies and other agencies or programs providing services to homeless students and their families. Services will also be provided in cooperation with other districts on interdistrict issues, such as transportation or transfer of school records, to ensure that homeless students have access to available education and related services.

District Liaison

The district's liaison will ensure the following:

- Homeless students are identified.
- Homeless students enroll in and have a full and equal opportunity to succeed in district schools.
- Homeless students receive appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with state law and regulations as well as district policies.
- Homeless families and students receive educational services for which they are eligible and referrals to healthcare services, dental services, mental health services, housing services, and other appropriate services.
- The parent/guardian of a homeless student is informed of the educational and related opportunities available to the student and is provided with meaningful opportunities to participate in the education of his/her child.
- Public notice of the educational rights of homeless students is distributed where such students receive services (e.g., schools, family shelters, public libraries, and soup kitchens) and in a manner and form understandable to the parents/guardians of such students.

- Enrollment disputes are mediated.
- The parent/guardian of a homeless student or any unaccompanied student is informed about and assisted in requesting a state-level review of the district's final enrollment decision.
- The parent/guardian of a homeless student or any unaccompanied student is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school selected.
- School personnel, service providers, and advocates working with homeless students and their families are informed of the liaison's duties and receive professional development and other support from the liaison.
- Unaccompanied students are enrolled in school, have opportunities to meet the same challenging academic standards as other students, and are informed of their status as independent students under Section 480 of the Higher Education Act and their right to receive verification of this status from the local liaison for purposes of determining their eligibility for aid for post-secondary program enrollment.
- The parent/guardian has access to the resources of the district for preparation of an appeal of an enrollment decision (e.g., copying, mailing, or obtaining records).

The district's liaison will coordinate and collaborate with the state coordinator, community, and school personnel responsible for the provision of educational and related services to homeless students.

Adopted 11/2023