

HOMELESS CHILDREN REGULATION

Each school in the district shall maintain forms provided by the Commissioner of Education for designating a homeless child's district of attendance. These forms must be provided to any homeless child or parent or guardian who seeks to enroll a child in school. The district's liaison for homeless students shall assist the homeless child and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.

School placement decisions for homeless children will be based on the "best interest of the child." Unless doing so is contrary to the wishes of the child's parent or guardian, to the extent possible, a homeless child will continue to attend the school of origin (the school the child attended when he or she became homeless).

If the district wishes to send a homeless child to a school other than the school of origin or a school requested by the parent or guardian, the Superintendent or designee shall provide the parent or guardian with a written explanation of its decision, together with a statement regarding the right to appeal the placement process. The Superintendent or designee shall refer any such dispute to the district's liaison for the homeless for resolution. The homeless child must be enrolled in the school sought by the parent or guardian pending resolution of the dispute.

Admission Procedures

Upon designation, the Superintendent of Schools or designee shall immediately:

1. review the designation form to ensure that it is complete;
2. admit the homeless child even if the child or his/her parent or guardian is unable to produce records normally required for enrollment or there is an unresolved dispute regarding school selection or enrollment;
3. where applicable, make a written request to the school district where a copy of the child's records are located for a copy of the homeless child's school records;
4. notify the liaison for homeless children of the child's admission. The liaison shall:
 - a. notify child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation;
 - b. ensure that the child receives the educational services for which they are eligible, including Head Start and Even Start and preschool programs administered by the district;
 - c. make necessary referrals to health care services, dental services, mental health services, and other appropriate services; and
 - d. ensure that any enrollment disputes are mediated promptly and in accordance with law.

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The Superintendent or designee shall forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

Transportation

Unless the homeless child is entitled to transportation provided by the Department of Social Services or Office of Children and Family Services, the district shall provide transportation services to the child in accordance with applicable law. A designated school district that must provide transportation to a homeless child may not provide transportation in excess of 50 miles one way, unless the Commissioner of Education determines that it is in the best interest of the child.

Dispute Resolution Process

The district establishes the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

1. Provide a written explanation, including a statement regarding the right to appeal to the homeless child's or youth's parent or guardian, if the school district declines to either enroll and/or transport such child or youth to the school or origin or a school requested by the parent or guardian.
2. Delay for 30 days the implementation of a final determination to decline either to enroll in and/or transport the homeless child or youth or unaccompanied youth to the school of origin or a school requested by the parent or guardian of a homeless youth or unaccompanied youth commences an appeal to the Commissioner with a stay application within 30 days of such final determination.