

STUDENTS

Homeless Children and Youth

Children and youth who meet the criteria as being homeless, even if unaccompanied by a guardian, must be given full and equal access to an appropriate public education and ensured success in the educational program. The permanency and adequacy of the housing conditions will be considered when determining if a student is homeless.

Local Educational Agency Requirements

A. Local Educational Agency Requirement; In General:

The School Division shall, according to a determination regarding a homeless child's or youth's best interest, do the following one of the following: Homeless children and youth shall according to the child's or youth's best interest

1. continue the child's or youth's ~~their~~ education in the school of origin for the duration of the child's or youth's homelessness
 - a. in any case in which a family becomes homeless between academic years or during an academic year; or
 - b. for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
2. enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living ~~and~~re eligible to attend.

B. Best Interest Determination Regarding Attending School of Origin

In determining the best interest of the child or youth regarding attending the child or youth's school of origin, the School Division shall

1. ~~to the extent feasible, w~~When in student's best interest, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;
2. provide a written explanation, including a statement regarding the right to appeal, under ~~sub-Section paragraph~~ E, to the homeless child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and
3. in the case of an unaccompanied youth, ensure that the homeless liaison assists in placement or enrollment decisions considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.

C. Enrollment

Homeless children and youth must be immediately enrolled in school. Enrolling staff will develop a plan to obtain any and all enrollment documents in a timely manner.

1. The school selected in accordance with this ~~Regulation paragraph~~ shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.
2. The enrolling school will immediately contact the school last attended by the child or youth to obtain relevant academic and other records.
3. If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison who shall assist in obtaining necessary immunizations, or immunization or medical records.

D. Records

Any record ordinarily kept by the school, including immunization or medical records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained

1. so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; ~~and-~~
2. in a manner consistent with section 444 of the General Education Provision Act, ~~(also known as the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g-), as amended.~~

E. Enrollment Disputes

If a dispute arises over school selection or enrollment in a school

1. the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;
2. the parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection, eligibility or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;
3. the child, youth, parent, or guardian shall be referred to the School Division's homeless ~~local educational agency~~ liaison who shall carry out the dispute resolution process determined by the Virginia Department of Education or designee ~~state~~ as expeditiously as possible after receiving notice of the dispute; and
4. in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

F. Placement Choice

The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere.

G. School of Origin Defined

The term 'school of origin' means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled to include feeder schools and students who are enrolled in Pre-Kindergarten programming.

H. Contact Information

Nothing in the ~~R~~egulation shall prohibit a division from requiring a parent or guardian of a homeless child to submit contact information.

I. Comparable Services

Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under ***Local Educational Agency Requirements***, including the following:

~~A.~~ 1. Transportation services.

~~B.~~ 2. Educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

~~C.~~ 3. Programs in vocational and technical education.

~~D.~~ 4. Programs for gifted and talented students.

~~E.~~ 5. School nutrition programs.

J. Coordination

1. In General:

~~The School Division Each local educational agency serving homeless children and youths that receives assistance under this subtitle~~ shall coordinate

- a. the provision of services under this ~~Regulations~~subtitle with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act
- b. with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

~~2.~~ ~~Housing Assistance~~

~~If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless. We do not do housing assistance.~~

3.2. Coordination Purpose

The coordination required under subparagraphs (A) and (B) shall be designed to

- i. ensure that homeless children and youths have access and reasonable proximity to available education and related support services; and
- ii. raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

K. Transportation Services

~~(g)(1)(J)(iii) The State and its local educational agencies~~ The School Division will adopt ~~policies regulations~~ and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined above, as applicable:

1. If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the ~~school division local educational agency~~ in which the school of origin is located.
2. If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing the student's ~~this or her~~ education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

Legal Reference

The McKinney - Vento Homeless Assistance Act, ~~(42 U.S.C. 1143, et seq.), as amended, and reauthorized by ESEA, Title -at subtitle B of title VII-IX Part A. (reauthorized January, 2002 December 2015).~~

Elementary and Secondary Education Act of 1965, as amended by the Every Child Succeeds Act, 20 U.S.C. §6301, as amended.

~~No Child Left Behind Act of 2001.~~

20 U.S.C. §: ~~Section 444~~, General Education Provision Act, as amended, also known as the Family Educational Rights and Privacy Act (FERPA).

Runaway Homeless and Youth Act, 34 U.S.C §11201, et seq., as amended.

~~Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705), Section 105.~~

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Approved as to legal sufficiency

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