STUDENTS

Homeless Students: Enrollment Rights and Services

Definitions

Homeless students, as referenced in this policy, are defined as children or unaccompanied youth who are lacking a fixed, regular and adequate nighttime residence, and include those who are:

A. Sharing the housing of other persons due to the loss of housing or economic hardship;
B. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
C. Living in emergency or transitional shelters;
D. Abandoned in hospitals;
E. Awaiting foster care placement;
F. Living in public or private places not designed for or ordinarily used as a regular sleeping accommodation for human beings;
G. Living in cars, parks, public places, abandoned buildings, substandard housing, transportation stations or similar settings;
H. Migratory children living in conditions described above.

The term “unaccompanied youth” includes a homeless child who is not in the physical custody of a parent or guardian. Unless otherwise provided, the term homeless student applies equally to homeless children and unaccompanied youth throughout these procedures.

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

Enrollment Procedures

The District will consider the best interest of the child in enrollment decisions. Homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing, except when doing so is contrary to the wishes of the student’s parent or guardian or the unaccompanied youth, or when it is not in accordance with the student’s best interest. Parents or guardians of homeless students or unaccompanied youths, with the assistance of the District’s liaison, may request enrollment in the school(s) in which attendance area the child or youth is actually living. In addition to attendance rights by living in attendance areas, other assignment policies, or intra- and inter-District choice options are available to homeless students on the same terms as non-homeless students in the District.

Once a school is selected, the school shall immediately enroll the student, even if the homeless student is unable to produce records usually required for enrollment. If the homeless student does not have immediate access to immunization records, s/he shall be admitted under a personal exception. Students, their families and unaccompanied youth should be encouraged to obtain current immunizations as soon as possible, and the District liaison is directed to assist as appropriate. Records from the student’s previous school shall be requested immediately from the previous school pursuant to District policies. Emergency contact information is, however, required at the time of enrollment consistent with District policies, including compliance with the state’s address confidentiality program when necessary. Emergency contact information cannot be demanded in a form or manner that creates a barrier to enrollment and/or attendance at school. For example, homeless students may not be excluded for failure to have a mailing address or emergency contact information.
Transportation

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in a different District, or a homeless student is living in another District but will attend his or her school of origin within the District, the two Districts will coordinate the transportation services necessary for the homeless student, or will divide the costs equally.

District Liaison’s Responsibilities

The District’s liaison for homeless students, their families and unaccompanied youth is responsible for ensuring that:

A. Homeless children are identified by school personnel and through coordination activities with other entities and agencies;
B. Homeless children enroll in, and have a full and equal opportunity to succeed in, District schools;
C. Homeless students, their families, and unaccompanied youths receive educational services for which they are eligible, including Head Start and Even Start programs and preschool programs run by the District, and referrals to health care services, dental services, mental health services, and other appropriate services;
D. Parents or guardians of homeless children are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in their educations;
E. Public notice of the educational rights of homeless children under the McKinney-Vento Act is disseminated where such children and youths receive services, such as schools, family shelters, and soup kitchens;
F. Enrollment disputes are mediated in accordance with state rule(s) or procedure(s); and
G. The parent or guardian of a homeless child, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school that they select.

The District’s liaison, as a part of their duties, shall also coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youths. Coordination will include but is not limited to working with local social service agencies that provide services to homeless children and youths and their families; other school Districts on issues of transportation and records transfers; state and local housing agencies responsible for comprehensive housing affordability strategies. The District’s liaison will also review and recommend amendments to District policies and procedures that may act as barriers to the enrollment and attendance of homeless students.

Enrollment Disputes

If a dispute arises over school selection or enrollment in a school, the homeless student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian or unaccompanied youth shall be informed in writing of the District’s decision to not enroll the homeless student in their selected school and their right to appeal the District’s decision. The District’s liaison will carry out dispute resolution as provided by state rule or procedure.

Dispute Resolution Procedure

The District shall ensure that the child/youth attends the school in which they sought enrollment while the dispute process is being carried out.
A. Notification of Appeal Process

If the district seeks to place a homeless child in a school other than the school of origin or the school requested by the parent, the school district shall inform the parent or the unaccompanied youth of the right to appeal. The district shall provide the parent or unaccompanied youth with written notice including:

1. An explanation of the child’s placement and contact information for the district and the OSPI homeless liaison, including their roles;
2. Notification of the parent’s right to appeal(s);
3. Notification of the right to enroll in the school of choice pending resolution of the dispute;
4. A description of the dispute resolution process including a petition form that can be returned to the school to initiate the process and timelines; and
5. A summary of the federal legislation governing placement of homeless students (McKinney-Vento Act).

B. Appeal to the School District Liaison – Level I

If the parent or unaccompanied youth disagrees with the district’s placement decision, they may appeal by filing a written request for dispute resolution with the school, the district’s homeless liaison or a designee. If submitted to the school, it will be immediately forwarded to the homeless liaison. The request for dispute resolution must be submitted within fifteen business days of receiving notification of the district’s placement.

The liaison must log the complaint including a brief description of the situation and reason for the dispute and the date and time of the complaint was filed.

1. A copy of the complaint must be forwarded to the liaison’s supervisor and the Superintendent.
2. Within five business days of the receiving the complaint, the liaison must provide the parent or unaccompanied youth with a written decision and notification of the parent’s right to appeal.
3. The district will verify receipt of the Level I decision;
4. If the parent or unaccompanied youth wishes to appeal, notification must be provided to the district liaison within ten business days of receipt of the Level I decision. The liaison shall provide the parent with an appeals package containing:
   a. The complaint filed with the district liaison at Level I;
   b. The decision rendered at Level I; and
   c. Additional information provided by the parent, unaccompanied youth and/or homeless liaison.

C. Appeal to the School Superintendent – Level II

The parent or unaccompanied youth may appeal the district liaison’s decision to the Superintendent or the Superintendent’s designee using the appeals package provided at Level I.

1. The Superintendent will arrange for a personal conference to be held with the parent or unaccompanied youth within five business days of receiving the Level I appeals package.
2. Within five business days of the conference with the parent or unaccompanied youth the Superintendent will provide that individual with a written decision with supporting evidence and notification of their right to appeal to the OSPI.
3. The district will verify receipt of the Level II decision.
4. A copy of the Superintendent’s decision will be forwarded to the district’s homeless liaison.
5. If the parent or unaccompanied youth wishes to appeal to the OSPI, notification must be provided to the district homeless liaison within ten business days of receipt of the Level II decision.

D. Appeal to the Office of the Superintendent of Public Instruction – Level III

1. The district Superintendent shall forward a copy of the Level II decision and all written documentation to the OSPI homeless liaison within five days of rendering a decision. The district will submit the entire dispute package to the OSPI in one complete package by U.S. mail.
2. The OSPI’s homeless education coordinator or designee, along with the appropriate agency director, and/or agency assistant Superintendent shall make a final decision within fifteen business days of receiving the appeal;
3. The OSPI’s decision will be forwarded to the district’s homeless liaison. The liaison will distribute the decision to the parent or unaccompanied youth and the local Superintendent.
4. The OSPI’s decision will be the final resolution for placement of a homeless child or youth in the district.
5. The district will retain the record of all disputes, at each level, related to the placement of homeless children.

Inter-District Disputes

If districts are unable to resolve a dispute regarding the placement of a homeless student, either district may submit a written request to the OSPI seeking resolution.

The OSPI will resolve the dispute within 10 business days of notification of the dispute and inform all interested parties of the decision.

Legal References:
- RCW 28A.225.215 Enrollment of children without legal Residences
- 42 U.S.C. §§ 11431-11436 McKinney-Vento Homeless Assistance Act

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