

# 503.09 Homeless Children and Youth

Friday, August 11, 2023

## HOMELESS CHILDREN AND YOUTH

A homeless child or youth is defined as one who lacks a fixed, regular, and adequate nighttime residence. The term includes—

- (1) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.
- (2) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- (3) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (4) Migratory children (as defined in section 1309 of the ESSA of 1965, as amended), who qualify as homeless because they are living in circumstances described in this definition.

This definition includes both youth who are unaccompanied by families and those who are homeless with their families. The district will comply with state and federal law as it relates to homeless children or youth.

### Assurances

1. The district adopts these policies and practices to ensure that homeless children and youths are not stigmatized or segregated on the basis of their status as homeless.
2. The district will designate an appropriate staff person as the Local Educational Liaison (LEL) for homeless children and youths, to carry out the duties in compliance

with state and federal law.

3. The district adopts these policies 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. The “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. This will be done in accordance with the following, as applicable:

A. If the homeless child or youth continues to live in the district 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 that district.

B. If the homeless child’s or youth’s living arrangements in the district served by the school of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another district, the school of origin and the local district 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 two districts are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

#### Comparable Services

Each homeless child or youth shall be provided services comparable to those offered to other students in the school in which the child is placed including transportation services, educational programs for children with disabilities and students with limited English proficiency, educational services for which the child or youth meets the eligibility criteria, such as Title I, school nutrition programs, programs in vocational and technical education, and programs for gifted and talented students.

#### Local Educational Liaison

The Superintendent shall serve as the district’s Local Educational Liaison who will serve in tracking, monitoring and coordinating programs and activities for these children. The identity and duties of the LEL shall annually be provided to the NDE, school staff, providers and advocates of services to homeless persons, and to homeless students.

1. In general, the LEL shall coordinate:

A. the provision of services with local social services agencies, the NDE Homeless Education Liaison, community and school personnel, and other agencies or programs providing education, social and related services to homeless children and youths and their families; and

B. with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

2. Coordination purpose - The coordination shall be designed to:

A. ensure that homeless children and youths have access and reasonable proximity, to available education and related support services; and

B. 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.

3. The LEL shall receive appropriate time and training to carry out the duties required by law and this policy, and ensure that:

A. homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;

B. homeless children and youths enroll in schools of the district, which includes attending classes and participating fully in school activities, and have a full and equal opportunity to meet the same challenging State academic standards as other children and youths;

C. homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, and referrals to health care services, dental services, mental health services, and other appropriate services;

D. the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

E. receive individualized counseling from counselors to prepare and improve their readiness for college, including college selection, application, financial aid, and on-campus supports;

F. unaccompanied youths are informed of their status as independent students under the Higher Education Act of 1965 and may obtain assistance from the LEL to receive verification of such status for purposes of the Free Application for Federal Student Aid;

G. public notice of the educational rights of homeless children and youths is communicated where such children and youths receive services under the federal laws for homeless children, such as schools, family shelters, and soup kitchens;

H. enrollment disputes are mediated in accordance state and federal law; and

I. the parent or guardian of a homeless child or youth, 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 is selected for the youth.

#### Enrollment and Placement

The district will handle enrollment and placement of homeless children in compliance with state and federal law according to the child's or youth's best interest such that it shall:

1. continue the child's or youth's education in the school of origin for the duration of 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 are eligible to attend.

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

4. Issues of guardianship, proof of residency, and dress code requirements shall not be cause for delay or denial of enrollment. The district is not prohibited from

requiring a parent or guardian of a homeless child to submit contact information.

5. If the school district is unable to determine the grade level of the student because of missing or incomplete records, the child will be placed in the appropriate grade level by the same procedures used for non-homeless children.

### School Stability

In determining the best interest of the child or youth the district shall:

1. presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest unless doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth.
2. The district must consider student-centered factors related to a child's or youth's best interest including the impact of mobility on achievement, education, health, and safety, giving priority to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth.
3. If the district determines that it is not in a child's or youth's best interest to attend the school of origin, or the school requested by the parent, guardian, or unaccompanied youth, it must provide a written explanation of the reasons for its determination, in a manner and form that is understandable.

### Enrollment Disputes

The dispute procedure must be made available for resolving disputes over eligibility, as well as school selection or enrollment. If a dispute arises over school selection or enrollment in a school:

1. the district shall immediately provide the child's parent or guardian or, in the case of an unaccompanied youth, the youth a written explanation of the decision made regarding the school selection including the right to appeal the decision. It shall be provided in a manner and form understandable to such parent, guardian, or unaccompanied youth and include the LEL contact information. The child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. Unaccompanied youths shall be assisted by the LEL in enrolling immediately.

2. Within thirty (30) days of receipt of the initial complaint, the LEL shall carry out the dispute resolution process in accordance with 92 NEC 19-005.002

3. The parent/guardian (or student, if applicable) may file a written appeal of the decision to the Nebraska Commissioner of Education. The Commissioner or designee may file a written response to the appeal within fifteen (15) calendar days of receipt of the appeal.

4. Within thirty (30) days of receipt of the Commissioner's decision, the parent/guardian (or student, if applicable) may file a written appeal of the decision with the State Board of Education and shall be governed by 92 NAC Rule 61.

### Records

Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship 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;
2. the district will treat the student's homeless status as a Student Education Record, not deemed to be directory information; and
3. in a manner consistent with the Federal Education Rights and Privacy Act.

The LEL shall document the number of homeless children and youths receiving services, and maintain financial records regarding any federal funds used for providing such services.

### Immunization Requirements

Homeless students will not be denied enrollment for lack of immunization records. The school district will make a reasonable effort to locate immunization records from the information provided or will assist the student in obtaining the necessary immunizations. Permanent exemptions for homeless students from the immunization requirement in this policy will be allowed only for reasons in accordance with the law.

## Review and Revision

The district shall review and revise any policies that may act as barriers to the enrollment of homeless children and youths in the district. In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.

Legal Reference: Neb. Statute 79-215 NDE Rule 19 and Rule 61 42 U.S.C. §11431 and §11432 (McKinney-Vento Homeless Assistance Act) with amendments 20 U.S.C. §1232g Federal Education Rights and Privacy Act