

Background

In accordance with the Every Student Succeeds Act of 2015 (ESSA), which took effect on October 1, 2016, homeless education is included with Title IX, Part A. This was previously known as the Elementary and Secondary Education Act (ESEA) which used to be covered under Title X, Part C. School divisions are required by federal law (§ 722(g)(1)(J)(i)) to review and adopt local policies and practices regarding homeless education as referenced in PCPS Policy 7-2.2. This superintendent's regulation seeks to provide additional detail about PCPS process and procedures.

Admission of Homeless Children

In determining the best interest of a homeless student, the Poquoson City School board shall:

- to the extent feasible, keep the student in the school of origin, except when doing so is contrary to the wishes of the student's parent or guardian;
- provide a written explanation, including a statement regarding the right to appeal as described below, to the homeless student's parent or guardian, if the division sends the student to a school other than the school of origin or a school requested by the parent or guardian; and
- in the case of an unaccompanied youth, ensure that the district's Homeless Liaison assists in placement or enrollment decisions regarding the student, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal described below.

Enrollment

The school selected in accordance with this policy shall immediately enroll the homeless student, even if the student

- is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency or other documentation; or
- has missed application or enrollment deadlines during any period of homelessness.

The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.

If the student needs to obtain immunizations or other required health records, the enrolling school shall immediately assist the parent or guardian of the student or, (in the case of an unaccompanied youth) the youth, in obtaining necessary immunizations or screenings, or other required health records.

If the documentation regarding the comprehensive physical examination cannot be furnished for a homeless child or youth, and the person seeking to enroll the student furnishes to the school division an affidavit stating that the documentation cannot be provided because of the homelessness of the child or youth and also indicating that, to the best of his/her knowledge, such student is in good health and free from any communicable or contagious disease, the school division shall immediately refer the student to the local school division Homeless Liaison who shall, as soon as practicable, assist in obtaining the necessary physical examination by the county or city health department or other clinic or physician's office and shall immediately admit the student to school.

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

Enrollment Disputes

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

- the homeless student shall be immediately admitted to the school in which enrollment is sought and provided all services for which he or she is eligible, pending final resolution of the dispute, including all available appeals;
- the parent or guardian of the student or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions to school selection or enrollment made by the school division or

the Virginia Department of Education,, including the rights of the parent, guardian, or student to appeal the decision;

- the student, parent, or guardian shall be referred to the district’s Homeless Liaison who shall carry out the appeal process as expeditiously as possible after receiving notice of the dispute; and
- in the case of an unaccompanied youth, the Homeless Liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of the dispute.

Appeal Process

Oral Complaint:

In the event that an unaccompanied student or the parent or guardian of a student (hereinafter referred to as the Complainant) disagrees with a school’s decision regarding the student’s eligibility to attend the school, the Complainant shall orally present his position to the division’s Homeless Liaison.

Written Complaint:

If the disagreement is not resolved within five (5) school days, the complainant may present a written complaint to the Director of Student Services. The written complaint must include the following information: the date the complaint is given to the Director of Student Services; a summary of the events surrounding the dispute; the name(s) of the school division personnel involved in the enrollment decision; and the result of the presentation of the oral complaint to the Homeless Liaison.

Within five (5) school days after receiving the written complaint, the Director of Student Services will reach a decision regarding the contested enrollment and shall provide a written statement of that decision, including the reasons therefore, to the complainant. The Director of Student Services will inform the Assistant Superintendent for Instruction and Support Services of the formal complaint and its resolution.

Comparable Services

Each homeless student shall be provided services comparable to services offered to other students in the school attended by the homeless student including the following:

1. transportation services;
2. educational services for which the student meets the eligibility criteria, such as services provided under Title I, educational programs for children with disabilities, and educational programs for students with limited English proficiency;
3. programs in career and technical education;
4. programs for gifted and talented students; and
5. school nutrition programs (free breakfast and lunch).

Transportation

At the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), transportation will be provided for a homeless student to and from the school of origin as follows:

1. if the homeless child or youth continues to live in the area served by the division 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 division 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 division in which the school of origin is located 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 division, the division of origin and the division 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 divisions are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

Definitions

The term “homeless student” means an individual who lacks a fixed, regular, and adequate nighttime residence and includes:

1. Children and youths, including unaccompanied youths who are not in the physical custody of their parents, who
 - a. are sharing the housing of other persons due to loss of housing, economic hardship, or other causes; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate

accommodations or in emergency, congregate, temporary, or transitional shelters; are abandoned in hospitals;

- b. are living in an institution that provides a temporary residence for individuals with mental illness or individuals intended to be institutionalized;
- c. 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; or
- d. are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

2. Migratory children who qualify as homeless for the purposes of this policy because the children are living in circumstances described above.

The term "migratory child" means a child who has moved from one residence to another and from one school division to another in the preceding 36 months as a migratory agricultural worker or migratory fisher or with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

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

The term "unaccompanied youth" includes a youth not in the physical custody of a parent or guardian.

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Legal Reference: Code of Virginia, 1950, as amended, §22.1-1, 22.1-3, 22.1-270, 22.1-271.1, and 22.1-271.2; Steward B. McKinney Homeless Assistance Act, Subtitle VII-B (P.L. 101-645); 42 U.S.C. § 11431 et seq.