

STUDENTS EXPERIENCING HOMELESSNESS: ENROLLMENT RIGHTS AND SERVICES

Definitions

- **Homeless children and youths** means individuals who lack a fixed, regular, and adequate nighttime residence. This includes children and youth who:
 - are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason, living in motels, parks or campgrounds;
 - or children or youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a sleeping accommodation by human beings;
 - or children or youth living in cars, abandoned buildings or substandard housing or similar situations;
 - or migratory children because they are living in circumstances like those described above.

Consideration of the relative permanence or adequacy of living arrangements will be made on a case-by-case basis.

- **Unaccompanied youth** means a youth not in the physical custody of a parent or guardian and includes youth living on their own in any of the homeless situations described in the McKinney-Vento Homeless Education Act.
- **School of origin** means the school or preschool that a child or youth attended when permanently housed, or the school in which the child or youth was last enrolled. When a child or youth completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools.
- **Best interest determination** means that the district must make school placement decisions for homeless students and youths on the basis of their best interest, as determined by student-centered factors including impact of mobility on achievement, education, health and safety. Priority should be given to the request of the child or the parent/guardian or unaccompanied youth. Placement of siblings should also be considered
- **Excess cost of transportation** means the difference between what the district normally spends to transport a student to school and the cost of transporting a homeless student to school. For example, there is no excess cost of transportation if the district provides transportation to a homeless student by a regular bus route. However, if the district provides special transportation to a

homeless student (e.g., by private vehicle or transportation company), the entire cost would be considered excess costs of transportation. The additional cost of the district's re-routing of busses to transport a homeless student can be considered excess cost of transportation. The district may use McKinney-Vento subgrant funds and Title I, Part A funds to defray excess cost of transportation for homeless students.

Identification, Placement and Enrollment

Identification

The district will:

- Use a housing questionnaire in its enrollment process. The questionnaire will be distributed universally so as to avoid stigmatizing homeless children and youths and their families;
- Ensure that referral forms used to identify and support homeless students are accessible and easy to use;
- Include its homeless liaison's contact information on its website;
- Provide materials for homeless students and parents, if necessary and to the extent feasible, in their native language;
- As practicable, provide annual guidance for school staff on the definition of homelessness, signs of homelessness, the impact of homelessness on students and steps to take when a potentially homeless student is identified, including how to connect the student with appropriate housing and support service providers;
- Develop interagency partnerships to serve homeless families and youths; and
- Work with the state homelessness coordinator to facilitate services to families and youths made homeless by natural disasters or other catastrophic events.

On annual basis the superintendent or designee will:

- Strongly encourage district staff, including substitute and regular bus drivers to annually review the video posted on the OSPI website on identification of student homelessness;
- Strongly encourage the homeless student liaison to attend trainings provided by the state on identification and serving homeless youth. Ensure that the district

includes in materials provided to all students at the beginning of the school year, or at enrollment, information about services and support for homeless students.

- Use a variety of communications each year to notify students and families about services and support available to them if they experience homelessness.

Placement and Enrollment

The district will:

- When deciding placement, presume that allowing the homeless student to remain in their school of origin is in the student's best interest, except when doing so is contrary to the request of the student's parent or guardian or unaccompanied youth;
- If the parent/guardian contests the district's decision, make a best interest determination based on factors such as the impact of mobility on the student's educational achievement, health and safety. If the best interest determination is requested by an unaccompanied youth, the process will give priority to the views of the youth;
- After conducting a best interest determination, provide to the parent/guardian of the student in a timely manner and in a language they can understand, a written explanation of the final decision and the right to appeal the decision;
- Pending resolution of disputes that arise over eligibility, school selection or enrollment, immediately enroll a homeless student in the school in which the parent, guardian or unaccompanied youth seeks enrollment;
- Avoid delay or denial of enrollment of homeless students, even if they have missed application or enrollment deadlines during any period of homelessness or are unable to produce records required for enrollment (e.g., previous academic records, immunization records, health records, proof of residency, proof of guardianship, birth certificates);
- Avoid requirements for student contact information to be in a form or manner that creates a barrier for homeless students;
- Provide transportation for homeless students to their school of origin. Once the student has obtained permanent housing, the district will continue to provide such transportation until the end of the academic year. If the homeless student remains in their school of origin, but begins living in an area served by another district, the district of origin and the district in which the homeless student is living

must agree upon a method to apportion the responsibility and costs for the student's transportation to and from their school of origin. If the districts cannot reach agreement, the responsibility and costs for transportation will be shared equally;

- Continue to provide transportation to their school of origin pending the outcome of enrollment or transportation disputes;
- Immediately contact the school last attended by the homeless student to obtain relevant academic and other records.

Attendance options will be made available to homeless families on the same terms as families resident in the district, including attendance rights acquired by living in attendance areas, other student assignment policies, and intra and inter-district choice options.

Facilitating On-time Grade Level Progression

The district will: 1) waive specific courses required for graduation for students experiencing homelessness if similar coursework has been satisfactorily completed in another school district; or 2) provide reasonable justification for denial of the waiver. In the event the district denies a waiver and the student would have qualified to graduate from their sending school district, the district will provide an alternative process of obtaining required coursework so that the student may graduate on time.

The district will consolidate partial credit, unresolved, or incomplete coursework and will provide students experiencing homelessness with opportunities to accrue credit in a manner that eliminates academic and nonacademic barriers for the student.

For students who have been unable to complete an academic course and receive full credit due to withdrawal or transfer, the district will grant partial credit for coursework completed before the date of the withdrawal or transfer. When the district receives a transfer student in these circumstances, it will accept the student's partial credits, apply them to the student's academic progress or graduation or both, and allow the student to earn credits regardless of the student's date of enrollment in the district.

In the event a student is transferring at the beginning of or during their junior or senior year of high school and is ineligible to graduate after all alternatives have been considered, the district will work with the sending district to ensure the awarding of a diploma from the sending district if the student meets the graduation requirements of the sending district.

In the event a student enrolled in three or more school districts as a high school student, has met state requirements, has transferred to the district, but is ineligible to graduate

from the district after all alternatives have been considered, the district will waive its local requirements and ensure that the student receives a diploma.

McKinney Vento Liaison

The superintendent will designate an appropriate staff person to be the district's McKinney-Vento Liaison for homeless students and their families. The liaison may simultaneously serve as a coordinator for other federal programs, provided that they are able to carry out the duties listed in this procedure.

If the district has identified more than ten unaccompanied youth, meaning youth not in the physical custody of a parent or guardian and including youth living on their own in any of the homeless situations described in the McKinney-Vento Homeless Education Act, the principal of each middle and high school building will establish a point of contact for such youth. The point of contact is responsible for identifying homeless and unaccompanied youth and connecting them with the district's homeless student liaison. The district's homeless student liaison is responsible for training the building points of contact.

The district liaison will ensure that:

- Homeless children and youths are identified by school personnel and through coordination of activities with other entities and agencies;
- Homeless children and youths enroll in and have a full and equal opportunity to succeed in school;
- Homeless families, children and youths receive educational services for which such families, children and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the district and referrals to health care services, dental services, mental health services, and other appropriate services;
- 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;
- Public notice of the educational rights of homeless children and youths is disseminated where such children receive services (e.g., schools, family shelters, soup kitchens);
- Enrollment disputes are mediated in accordance with the dispute resolution process detailed below;

- 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 selected;
- Unaccompanied youths are enrolled in school, have opportunities to meet the same challenging state academic standards as the state establishes for other children and youths, are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (HEA) (20 U.S.C. 1087vv) for federal student aid purposes, and their right to receive verification of this status from the local liaison;
- Barriers that prevent homeless students from receiving credit for full or partial coursework satisfactorily completed while attending a prior school are identified and removed;
- Affirm whether homeless students meet the U.S. Department of Housing and Urban Development (HUD) definition of homelessness to qualify them for HUD homeless assistance programs and refer homeless families and students to housing and other services;
- Assist parents, guardians and unaccompanied youth in obtaining immunizations, health screenings, guardianship records and other documents normally required for enrollment; and
- Assist unaccompanied youths in connecting with needed supports such as housing assistance, health care and other services.

The district will inform school personnel, service providers and advocates working with homeless families of the duties of the district homeless liaison.

Access to School Services and Programs

Homeless students will have the same opportunity to access schools programs and before and after school activities as their permanently housed peers. Programs student may receive include: Head Start and comparable pre-school programs, Title I, similar state programs, special education, bilingual education, vocational and technical education programs, and highly capable programs.

Food and Nutrition Services

A student who is homeless and is attending any school in the district is automatically eligible for free breakfast and lunch. At the time of enrollment, the McKinney Vento

Liaison will inform food services of the student's eligibility. When a student is no longer considered homeless, food services will be notified.

Dispute Resolution Procedure

The district will ensure that the homeless child/youth attends the school in which they sought enrollment while the dispute process is being carried out.

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 will inform the parent or the unaccompanied youth of the right to appeal. The district will provide the parent or unaccompanied youth with written notice including:

- An explanation of the child's placement and contact information for the district and the OSPI homeless liaison, including their roles;
- Notification of the parent's right to appeal(s);
- Notification of the right to enroll in the school of choice pending resolution of the dispute;
- 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
- A summary of the federal legislation governing placement of homeless students (McKinney-Vento Act).

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 the complaint was filed.
- A copy of the complaint must be forwarded to the liaison's supervisor and the superintendent;

- 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;
- The district will verify receipt of the Level I decision; and
- 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 will provide the parent with an appeals package containing:
 - The complaint filed with the district liaison at Level I;
 - The decision rendered at Level I; and
 - Additional information provided by the parent, unaccompanied youth and/or homeless liaison.

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.

- 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;
- 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;
- The district will verify receipt of the Level II decision;
- A copy of the superintendent's decision will be forwarded to the district's homeless liaison; and
- 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.

Level III

The district superintendent will forward a copy of the Level II decision and all written documentation to the OSPI homeless liaison within five days of receiving the Level III complaint.

- The district will submit the entire dispute package to the OSPI in one complete package by U.S. mail;
- The OSPI's homeless education coordinator or designee, along with the appropriate agency director, and/or agency assistant superintendent will make a final decision within fifteen business days of receiving the appeal;
- 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;
- The OSPI's decision will be the final resolution for placement of a homeless child or youth in the district; and
- 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. **Homeless Students - Enrollment Rights and Services**

To the extent practical and as required by law, the district will work with homeless students and their families to provide them with equal access to the same free, appropriate education (including public preschool education) provided to other students. Special attention will be given to ensuring the identification, enrollment, and attendance of homeless students not currently attending school, as well as mitigating educational barriers to their academic success. Additionally, the district will take reasonable steps to ensure that homeless students are not stigmatized or segregated in a separate school or in a separate program within a school on the basis of their homeless status.

Homeless students will be provided district services for which they are eligible, including Head Start and comparable pre-school programs, Title I, similar state programs, special education, bilingual education, vocational and technical education programs, gifted and talented programs and school nutrition programs.

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence, including those students who are:

1. Sharing the housing of other persons due to loss of housing or economic hardship, or a similar reason;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;

4. Abandoned in hospitals;
5. Living in public or private places not designed for or ordinarily used as regular sleeping accommodation;
6. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings; or
7. Migratory children living in conditions described in the previous examples.

The superintendent will designate an appropriate staff person to be the district's McKinney-Vento liaison for homeless students and their families. The liaison may simultaneously serve as a coordinator for other federal programs, provided that they are able to carry out the duties listed in the procedure that accompanies this policy.

If the district has identified more than ten unaccompanied youth, meaning youth not in the physical custody of a parent or guardian and including youth living on their own in any of the homeless situations described in the McKinney-Vento Homeless Education Act, the principal of each middle and high school building will establish a point of contact for such youth. The point of contact is responsible for identifying homeless and unaccompanied youth and connecting them with the district's homeless student liaison. The district's homeless student liaison is responsible for training the building points of contact.

Best interest determination

In making a determination as to which school is in the homeless student's best interest to attend, the district will presume that it is in the student's best interest to remain enrolled in their school of origin unless such enrollment is against the wishes of a parent, guardian or unaccompanied youth.

Attendance options will be made available to homeless families on the same terms as families resident in the district, including attendance rights acquired by living in attendance areas, other student assignment policies, and intra and inter-district choice options.

If there is an enrollment dispute, the student will be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian will be informed of the district's decision and the reasons therefor, (or informed if the student does not qualify for McKinney-Vento, if applicable) and their appeal rights in writing and in a language they can understand. The district's liaison will carry out dispute resolution as provided by state policy. Unaccompanied youth will also be enrolled pending resolution of the dispute.

Once the enrollment decision is made, the school will immediately enroll the student, pursuant to district policies. However, enrollment may not be denied or delayed due to the lack of any document normally required for enrollment, including academic records, medical records, proof of residency, mailing address or other documentation, or denied or delayed due to missed application deadlines or fees, fines or absences at a previous school.

If the student does not have immediate access to immunization records, the student will be admitted under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Records from the student's previous school will be requested from the previous school pursuant to district policies. Emergency contact information is required at the time of enrollment consistent with district policies, and in compliance with the state's Address Confidentiality Program when necessary. However, the district cannot demand emergency contact information in a form or manner that creates a barrier to enrollment and/or attendance at school.

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 in this district, the districts will coordinate the transportation services necessary for the student, or will divide the costs equally.

The district's liaison for homeless students and their families will coordinate 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; and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students where such children and youth receive services under the McKinney-Vento Act, such as schools, family shelters and soup kitchens. The notice must be disseminated in a manner and form that parents, guardians and unaccompanied youth receiving such services can understand, including, if necessary and to the extent feasible, in their native language. The district's liaison will also review and recommend amendments to district policies that may act as barriers to the enrollment of homeless students and will participate in professional development and other technical assistance activities, as determined by the state-level (OSPI) coordinator for homeless children and youth programs.

The superintendent will:

- Strongly encourage district staff, including substitute and regular bus drivers to annually review the video posted on the OSPI website on identification of student homelessness;
- Strongly encourage every district-designated homeless student liaison to attend trainings provided by the state on identification and serving homeless youth. Ensure that the district includes in materials provided to all students at the beginning of the school year or at enrollment, information about services and support for homeless students (i.e., the brochure posted on the OSPI website).
- Use a variety of communications each year to notify students and families about services and support available to them if they experience homelessness (e.g., distributing and collecting a universal annual housing intake survey, providing parent brochures directly to students and families, announcing the information at school-wide assemblies, posting information on the district's website).

Facilitating on-time grade level progression

The district will: 1) waive specific courses required for graduation for students experiencing homelessness if similar coursework has been satisfactorily completed in another school district; or 2) provide reasonable justification for denial of the waiver. In the event the district denies a waiver and the student would have qualified to graduate from their sending school district, the district will provide an alternative process of obtaining required coursework so that the student may graduate on time.

The district will consolidate partial credit, unresolved, or incomplete coursework and will provide students experiencing homelessness with opportunities to accrue credit in a manner that eliminates academic and nonacademic barriers for the student.

For students who have been unable to complete an academic course and receive full credit due to withdrawal or transfer, the district will grant partial credit for coursework completed before the date of the withdrawal or transfer. When the district receives a transfer student in these circumstances, it will accept the student's partial credits, apply them to the student's academic progress or graduation or both, and allow the student to earn credits regardless of the student's date of enrollment in the district.

In the event a student is transferring at the beginning of or during their junior or senior year of high school and is ineligible to graduate after all alternatives have been considered, the district will work with the sending district to ensure the awarding of a diploma from the sending district if the student meets the graduation requirements of the sending district.

In the event a student enrolled in three or more school districts as a high school student, has met state requirements, has transferred to the district, but is ineligible to graduate from the district after all alternatives have been considered, the district will waive its local requirements and ensure that the student receives a diploma.

(Editor's Note: The following bracketed information is not essential or required by law. However, RCW 7.70.065 (2)(b) now allows certain school staff to provide informed consent for the provision of nonemergency primary care services to underage homeless

children as defined by the federal McKinney-Vento Homeless Assistance Act, when such children are not under the supervision, control, custody, and/or care of a parent, custodian, legal guardian, or the department of social and health services and when the child is not authorized to provide his or her own consent through another legal mechanism. Each District contemplating the adoption of the following language below pursuant to amendments to RCW 7.70.065 would benefit from careful consideration of the implications of adopting informed consent language.)

[Informed consent for healthcare

Informed consent for healthcare of behalf of a student experiencing homelessness may be obtained from a school nurse, school counselor, or homeless student liaison when:

- a. Consent is necessary for non-emergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;
- b. The student meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001; and
- c. The student is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

Upon the request by a health care facility or a health care provider, a District employee authorized to consent to care must provide to the person rendering care a signed and dated declaration stating under penalty of perjury that the employee is a school nurse, school counselor, or homeless student liaison and that the minor patient meet the requirements of RCW 7.70.065 (2) (b) listed above in this policy.

The District and District employee authorized to consent to care under this policy are not subject to administrative sanctions or civil damages resulting from the consent or non-consent for care or payment for care. Any declaration required by a health care facility or a health care provider described in the above paragraph must include written notice that the District employee is exempt from administrative sanctions and civil liability resulting from the consent or non-consent for care or payment for care.]

Cross References: 3116 - Students in Foster Care
 3120 - Enrollment
 3231 - Student Records
 3413 - Student Immunization And Life Threatening Health
 Conditions
 4218 - Language Access Plan

Legal References: RCW 28A.225.215 Enrollment of children without legal
 residences
 RCW 28A.320.145 Support for homeless students.
 20 U.S.C. 6301 et seq. Elementary and Secondary
 Education Act of 1965 as amended by the Every Student
 Succeeds Act [ESSA]

42 U.S.C. 11431 et seq. McKinney-Vento Homeless
Assistance Act

Chapter 28A.320 RCW Provisions applicable to all districts
(new section created by 3SHB 1682, 2016 legislative
session)