

## BOARD POLICY

No. 5120

### 5000 STUDENTS

#### 5120 Homeless Children and Youth

In accordance with federal law, it is the policy of the Regional School District No. 8 Board of Education to prohibit discrimination against, segregation of, or stigmatization of, homeless children and youth. The Board authorizes the Administration to establish regulations setting forth procedures necessary to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law and these administrative regulations, the provisions of law shall control.

Legal References: State Law:

Public Act 17-194, an Act Concerning Access to Student Records for Certain Unaccompanied Youths

10-253(e) School privileges for children in certain placements, non-resident children and children in temporary shelters

Federal Law: The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 et seq.

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REVISED: February, 2009

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## **ADMINISTRATIVE REGULATION 5120 Homeless Children and Youth**

*In accordance with federal law, the Board of Education does not permit discrimination against, segregation of, or stigmatization of, homeless children and youth. The following sets forth the procedures to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law and these regulations with respect to homeless children and youth, the provisions of law shall control.*

### **I. Definitions:**

- Q. Enroll and Enrollment: includes attending classes and participating fully in school activities.
- R. Homeless Children and Youth: means children and youth twenty-one (21) years of age and younger who lack a fixed, regular, and adequate nighttime residence, including children and youth who:
  - 1. Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
  - 2. Are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations.
  - 3. Are living in emergency or transitional shelters.
  - 4. Are abandoned in hospitals.
  - 5. Are awaiting foster care placement.
  - 6. 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.
  - 7. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
  - 8. Are migratory children living in the above described circumstances.
- S. School of Origin: means the school that a homeless child or youth attended when permanently housed or the school in which the homeless child was last enrolled.
- T. Unaccompanied Youth: means a youth not in the physical custody of a parent or guardian.

### **II. Homeless Liaison:**

- A. The District's Homeless Liaison is the Superintendent of Schools.
- B. The duties of the Homeless Liaison include:

1. Ensuring that homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies.
2. Ensuring that homeless children and youth enroll in, and have full and equal opportunity to succeed in, the District's schools.
3. Ensuring that homeless families, children, and youths receive educational services for which such families, children and youth are eligible.
4. Ensuring that parents and guardians of homeless children and youth are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children.
5. Ensuring that public notice of the educational rights of homeless children and youth is disseminated in places in which these children and youth receive services under the McKinney-Vento Act.
6. Ensuring that enrollment disputes are mediated in accordance with the McKinney-Vento Act.
7. Ensuring that parent(s)/guardian(s) of homeless children and youth or unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing those services.
8. Assisting homeless children and youth in enrolling in school and accessing school services.
9. Informing parent(s)/guardian(s) of homeless children and youth, school personnel, and others of the rights of such children and youth.
10. Assisting homeless children and youth who do not have immunizations or immunization/medical records to obtain necessary immunizations or immunization/medical records.
11. Assisting unaccompanied youth in placement/enrollment decisions, including considering the youth's wishes in those decisions, and providing notice to the youth of his or her right to appeal such decisions.
12. Ensuring that homeless children and youth and unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over enrollment or placement.
13. Collaborating and coordinating with State Coordinators for the Education of Homeless Children and Youth and community and school personnel responsible for providing education and related support services to homeless children and youth.

### III. Enrollment of Homeless Children and Youth:

- A. Enrollment of homeless children and youth may not be denied or delayed due to the lack of any document normally required for enrollment. However, administrators shall require the parent/guardian to provide contact information prior to enrollment.
- B. To facilitate enrollment administrators:
  - 1. May permit parents/guardians of homeless children and youth to sign affidavits of residency to replace typical proof of residency.
  - 2. May permit unaccompanied youth to enroll with affidavits to replace typical proof of guardianship.
  - 3. Shall refer parent/guardian/unaccompanied youth to the Liaison who will assist in obtaining immunizations.
  - 4. Shall contact previous schools for records and assistance with placement decisions.
  - 5. Shall maintain records so that the records are available in a timely fashion when the student enters a new school or school district.

#### IV. School Selection:

- A. Standards for School Selection:
  - 1. The District is required to make a determination as to the best interests of a homeless child or youth in making a determination as to the appropriate school of placement.
  - 2. In making such a determination, the District is required to keep a homeless child or youth in his/her school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; or for the remainder of the academic year if the child or youth becomes permanently housed during an academic year, to the extent feasible, unless it is against the wishes of the parent or guardian. Otherwise, the homeless child or youth shall be enrolled in a public school that non-homeless students who live in the area where the child or youth is actually living are eligible to attend.
- B. Procedures for Review of School Selection Recommendation:
  - 1. The Principal or his/her designee of the school in which enrollment is sought review an enrollment request in accordance with the standards discussed above, and shall make an initial recommendation regarding same. If the Principal or his/her designee's recommendation is to select a placement other than the school desired by the parent(s) or guardian(s) of the homeless child or youth or the unaccompanied youth, then the Principal or his/her designee shall refer the matter to the Superintendent or his/her designee for review of the recommendation and the reasons therefor, and shall notify the District's Homeless Liaison of same.

2. The Superintendent or his/her designee shall review the matter and consult with the District Homeless Liaison concerning same. If the Superintendent or his/her designee agrees with the recommendation of the Principal or his/her designee, and a dispute remains between the District and the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth about a school selection and/or enrollment decision; the Superintendent or his/her designee shall provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with a written explanation of the District's decision regarding this matter, and the right to appeal such decision to the Board of Education.

C. Dispute Resolution Process:

1. The District's Homeless Liaison shall be responsible for promoting objective and expeditious dispute resolutions, and adherence to these administrative regulations.
2. If the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth disputes the school placement decision or enrollment, the District must immediately enroll the homeless child or youth in the school in which enrollment is sought, pending resolution of the dispute. The homeless child or youth shall also have the right to all appropriate educational services, including transportation to and from the school in which enrollment is sought, while the dispute is pending.
3. If necessary, the District Homeless Liaison shall assist parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with completion of the necessary appeal paperwork required to file for an appeal to the Board of Education, and provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with a copy of Section 10-186(b).
4. Within ten (10) days of receipt of an appeal to the Board of Education by a parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth, the District shall hold a hearing before the Board of Education concerning such appeal, and such hearing shall be conducted in accordance with Section 10-186(b).
5. If the Board of Education finds in favor of the Superintendent or his/her designee, a parent or guardian of a homeless child or youth or unaccompanied youth may appeal the Board of Education's decision to the State Board of Education within twenty (20) days of receipt of the Board of Education's written decision, in accordance with Section 10-186(b). If necessary, the District Homeless Liaison shall assist a parent or guardian of a homeless child or youth or unaccompanied youth with filing the necessary appeal paperwork to the State Board of Education. The homeless child or youth or unaccompanied youth shall remain in his or her school of origin pending the determination of the appeal.

V. Services:

- A. Homeless children and youth shall be provided with services comparable to those offered other students in the selected school including:
  - 1. Title I services or similar state or local programs, educational programs for students with disabilities, programs for students with limited English proficiency, and preschool programs.
  - 2. Transportation services.
  - 3. Vocational and technical education.
  - 4. Programs for gifted and talented students.
  - 5. School nutrition programs.
  - 6. Before and after school programs.
- B. The District shall coordinate with local social service agencies, other service providers, housing assistance providers and other school districts to ensure that homeless children and youth have access and reasonable proximity to available education and support services.

VI. Transportation:

- A. The District shall provide transportation comparable to that available to other students.
- B. Transportation shall be provided, at a parent or guardian's request, to and from the school of origin for a homeless child or youth. Transportation shall be provided for the entire time the child or youth is homeless and until the end of any academic year in which they move into permanent housing. Transportation to the school of origin shall also be provided during pending disputes. The Liaison shall request transportation to and from the school of origin for an unaccompanied youth. Parents and unaccompanied youth shall be informed of this right to transportation before they select a school for attendance.
- C. To comply with these requirements:
  - 1. Parents/guardians, schools, and liaisons shall use the district transportation form to process transportation requests.
  - 2. If the homeless child or youth is living and attending school in this District, the District shall arrange transportation.
  - 3. If the homeless child or youth is living in this District but attending school in another, or attending school in this District and living in another, the District will follow the inter-district transportation agreement to determine the responsibility and costs for such transportation. If there is no inter-district transportation agreement, the District shall confer with the other school district's Homeless Liaison to determine an apportionment of the responsibility and costs.

4. If no mutually agreeable arrangement can be reached, then the District shall:

- (a) arrange transportation immediately;
- (b) bring the matter to the attention of the State Coordinator for the Education of Homeless Children and Youth; and
- (c) shall ensure that such disputes do not interfere with the homeless child or youth attending school.

## VII. Contact Information

A. Local Contact: for further information, contact:

Superintendent of Schools  
860 228-2115

B. State Contact: for further information or technical assistance, contact:

Louis Tallarita, State Coordinator  
Connecticut Department of Education  
25 Industrial Park Road  
Middletown, CT 06457-1543  
(860) 807-2058

## Legal References:

State Law:

10-253(e) School privileges for children in certain placements, non-resident children and children in temporary shelters

Federal Law:

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 et seq.

ADOPTED: March, 2006

## **APPENDIX A**

### **DISPUTE RESOLUTION PROCESS**

#### **UNDER CONNECTICUT GENERAL STATUTES SECTION 10-186**

(1) If any board of education denies such accommodations, the parent or guardian of any child who is denied schooling, or an emancipated minor or a pupil eighteen years of age or older who is denied schooling, or an agent or officer charged with the enforcement of the laws concerning attendance at school, may, in writing request a hearing by the board of education. The board of education may

- (A) conduct the hearing,
- (B) designate a subcommittee of the board composed of three board members to conduct the hearing, or
- (C) establish a local impartial hearing board of one or more persons not members of the board of education to conduct the hearing.

The board, subcommittee or local impartial hearing board shall give such person a hearing within ten days after receipt of the written request, make a stenographic record or tape recording of the hearing and make a finding within ten days after the hearing. Hearings shall be conducted in accordance with the provisions of sections 4-176e to 4-180a, inclusive, and section 4-181a. Any child, emancipated minor eighteen years or older who is denied accommodations on the basis of residency may continue in attendance in the school district at the request of the parent or guardian of such child or emancipated minor or pupil eighteen years of age or older, pending a hearing pursuant to this subdivision. The party claiming ineligibility for school accommodations shall have the burden of proving such ineligibility by a preponderance of the evidence, except in cases of denial of schooling based on residency, the party denied schooling shall have the burden of proving residency by a preponderance of the evidence.

(2) Any such parent, guardian, emancipated minor, pupil eighteen years of age or older, or agent or officer, aggrieved by the finding shall, upon request, be provided with a transcript of the hearing within thirty days after such request and may take an appeal from the finding to the State Board of Education. A copy of each notice of appeal shall be filed simultaneously with the local or regional board of education and the State Board of Education. Any child, emancipated minor or pupil eighteen years of age or older who is denied accommodations by a board of education as the result of a determination by such board, or a subcommittee of the board or local impartial hearing board, that the child is not a resident of the school district and therefore is not entitled to school accommodations in the district may continue in attendance in the school district at the request of the parent or guardian of such child or such minor or pupil, pending a determination of such appeal. If an appeal is not taken to the State Board of Education within twenty days of the mailing of the finding to the aggrieved party, the decision of the board, subcommittee or local impartial hearing board shall be final. The local or regional board of education shall, within ten days after receipt of notice of an appeal, forward the record of the hearing to the State Board of Education. The State Board of Education shall, on receipt of a written request for a hearing made in accordance with the provisions of this subsection, establish an impartial hearing board of one or more persons to hold a public hearing in the local or regional school district in which the cause of the complaint arises. Members of the hearing board may be employees of the state Department of Education or may be qualified persons from outside the department. No member of the board of education under review nor any employee of such board of education shall be a member of the hearing board. Members of the hearing board, other than those employed by the state of Connecticut, shall be paid reasonable fees and expenses as established by the State Board of Education within the limits of available appropriations. Such hearing board may examine witnesses and shall maintain a verbatim record of all formal sessions of the hearing. Either party



to the hearing may request that the hearing board join all interested parties to the hearing, or the hearing board may join any interested party on its own motion. The hearing board shall have no authority to make a determination of the rights and responsibilities of a board of education if such board is not a party to the hearing. The hearing board may render a determination of actual residence of any child, emancipated minor or pupil eighteen years of age or older where residency is at issue.

(3) The hearing board shall render its decision within forty-five days after receipt of the notice of appeal except that an extension may be granted by the Commissioner of Education upon an application by a party or the hearing board describing circumstances related to the hearing which require an extension.

(4) If, after the hearing, the hearing board finds that any child is illegally or unreasonably denied schooling, the hearing board shall order the board of education under whose jurisdiction it has been found such child should be attending school to make arrangements to enable the child to attend public school. Except in the case of a residency determination, the finding of the local or regional board of education, subcommittee of such board or a local impartial hearing board shall be upheld unless it is determined by the hearing board that the finding was arbitrary, capricious or unreasonable. If such school officers fail to take action upon such order in any case in which such child is currently denied schooling and no suitable provision is made for such child within fifteen days after receipt of the order and in all other cases, within thirty days after receipt of the order, there shall be a forfeiture of the money appropriated by the state for the support of schools amounting to fifty dollars for each child for each day such child is denied schooling. If the hearing board makes a determination that the child was not a resident of the school district and therefore not entitled to school accommodations from such district, the board of education may assess tuition against the parent or guardian of the child or the emancipated minor or pupil eighteen years of age or older based on the following: One one-hundred-eightieth of the town's net current local educational expenditure, as defined in section 10-261, per pupil multiplied by the number of days of school attendance of the child in the district while not entitled to school accommodations provided by that district. The local board of education may seek to recover the amount of the assessment through available civil remedies.

**APPENDIX B**

**Sample Written Notification of Enrollment Decision**

[Month] \_\_, 200\_\_

VIA HAND DELIVERY AND U.S. MAIL

[Insert Name of Parent]

[Insert Home Address]

Re: Notification of Enrollment Decision

Dear [Parent/Guardian]:

After reviewing your request to enroll the student(s) listed above [name(s)], the enrollment request is denied. This determination is based upon the following factors:

[List factors]

Under the McKinney-Vento Homeless Education Assistance Act, you have the right to appeal this decision by completing the form attached to this notice or by contacting the school district's homeless education liaison:

Superintendent of Schools  
860 228-2115

In addition, the student listed above has the right to immediately enroll in the school of choice pending resolution of the dispute. You may provide written or verbal evidence to support your position. You may seek the assistance of advocates or attorneys at your own expense. You may contact the state coordinator for homeless education:

Louis Tallarita, State Coordinator  
State Department of Education  
25 Industrial Park Road  
Middletown, CT 06457-1543  
(860) 807-2058

A copy of the dispute resolution process under section 10-186 is attached to this notice. Please contact the District Liaison listed above if you have any questions.

Sincerely,

[Name] Superintendent of Schools

cc: [Superintendent of Schools in which enrollment is sought, if appropriate]

## APPENDIX C

### SAMPLE NOTIFICATION OF DECISION

#### TO APPEAL EDUCATIONAL PLACEMENT

This form is to be completed by the parent, guardian, caretaker, or unaccompanied youth when a dispute arises. If you need assistance in preparing this form, you may meet with the District Liaison.

Person completing form: \_\_\_\_\_

Relation to Student: \_\_\_\_\_

Contact Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I am requesting a Board of Education Hearing under Section 10-186 of the Connecticut General Statutes to appeal the enrollment decision made by [Name of District], [Name of School]. I have been provided with a written explanation of the District's decision, contact information for the District's homeless education liaison, and a copy of the Dispute Resolution Process under Connecticut General Statutes Section 10-186.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

Optional. You may also include a written explanation to support your appeal in the space below or provide your explanation verbally to the District Liaison.

*APPENDIX D*

SAMPLE NOTIFICATION OF HEARING  
REGARDING ENROLLMENT DISPUTE

[Month] \_\_, 200\_\_

VIA HAND DELIVERY AND U.S. MAIL

[Insert Name of Parent]

[Insert Home Address]

Re: Educational Placement

Dear [Name of Parent]:

You have requested a hearing before the [town] Board of Education regarding the educational placement of your child(ren), [insert name(s) of student(s)] at [name of school]. The [town] Board of Education will conduct a hearing regarding your claim on [date] at [time]. The hearing will be held at the offices of the [town] Board of Education, which are located at [insert address].

The hearing will be conducted in accordance with the provisions of Section 10-186 of the Connecticut General Statutes, a copy of which is enclosed. The hearing will be conducted in executive session, and the Board of Education will make either a tape recording or a stenographic record of the hearing. You may be represented by counsel or by an advocate, at your expense, if you so desire.

Please contact the District Liaison, [insert name], if you have any questions.

Sincerely,

[Name]

Superintendent of Schools

Cc: [Superintendent of Schools in which enrollment is sought, if appropriate]

## APPENDIX E

### STUDENT RESIDENCY AFFIDAVIT

[Name of District]

Name of student: \_\_\_\_\_

Birthdate: \_\_\_\_\_

Name and Location of School Last Attended: \_\_\_\_\_

I, \_\_\_\_\_ declare and affirm as follows:

I am of legal age and believe in the obligations of an oath.

I am the parent/legal guardian/caregiver of \_\_\_\_\_ (name of student) who is of school age and is seeking admission to [School District].

Since \_\_\_\_\_ (date), \_\_\_\_\_ (name of student) has not had a permanent home. However, he/she has been residing within the school district boundaries and intends to stay here. He/she is currently staying at \_\_\_\_\_ (address). This location is:

- \_\_\_\_\_ a shelter
- \_\_\_\_\_ a motel/hotel
- \_\_\_\_\_ a campsite
- \_\_\_\_\_ shared housing with other persons
- \_\_\_\_\_ other \_\_\_\_\_

I regularly receive my mail at: \_\_\_\_\_.

I am currently living at the following address: \_\_\_\_\_.

I can be reached at the following telephone number: \_\_\_\_\_. I can be reached for emergencies at: \_\_\_\_\_.

I declare under penalty of perjury under the laws of Connecticut that the information provided is true and correct and of my own personal knowledge.

AFFIANT,

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Print Name of Affiant

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

## APPENDIX F

### AFFIDAVIT FOR MISSING ENROLLMENT DOCUMENTATION

[District]

I, \_\_\_\_\_, being duly sworn upon oath and based on my personal knowledge hereby state and affirm the following information regarding [name of student's] missing enrollment documentation for the following:

___ Proof of residency	___ Immunization Record
___ Proof of guardianship	___ School Health Record
___ Proof of identity	___ School Records
___ Birth Certificate	

I am of legal age and believe in the obligations of an oath.

I am unable to present a copy of the document(s) requested above for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The name and location of the last school the student attended is

\_\_\_\_\_.

I understand that I must obtain the necessary immunization and health records and provide a copy to the District.

AFFIANT,

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Print Name of Affiant

Subscribed and sworn to before me  
this \_\_\_ day of \_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC