JFABD-R EDUCATION OF STUDENTS WHO ARE HOMELESS ADMINISTRATIVE PROCEDURE

This administrative procedure implements the Board's policy JFABD – Education of Students Who Are Homeless.

I. Homeless Education Liaison

The Superintendent shall designate a Homeless Education Liaison ("Homeless Liaison"). The Homeless Liaison is responsible for coordinating school unit services for students who are homeless and for unaccompanied students who are homeless. All questions regarding enrollment, programming, and services for students who are homeless will be referred to the Homeless Liaison. The Homeless Liaison is expected to consult with school administrators and the Superintendent in making determinations of homelessness, enrollment, and programming decisions for students. The Homeless Liaison shall ensure that the Cape Elizabeth School Department (CESD) meets all other requirements under federal and state law/regulations.

I. Definitions

I. Student who is homeless**.** A student who is homeless means a student eligible to attend preschool, elementary, or secondary school who:

I. Lacks a fixed, regular, or adequate night-time residence; and

II. Includes:

I. Students 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;

II. Students who have a primary night-time residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings;

III. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

IV. Migratory students who are living in circumstances described in (1) through (3).

II. Unaccompanied student who is homeless. An unaccompanied student who is homeless is a student who is homeless, as defined above, who is not in the physical custody of a parent or guardian.

II. Determination of Homelessness

I. If a student seeks to enroll in the CESD as a student who is homeless, the Homeless Liaison shall be informed as soon as possible by a school administrator or designee.

II. The Homeless Liaison shall take the following steps:

I. Meet with the student's parent/guardian, or in the case of an unaccompanied student who is homeless (a student not in the physical custody of a parent or guardian), with the student.

II. Determine whether the student is a "student who is homeless" or "unaccompanied student who is homeless" as defined in the Act, in consultation with appropriate administrators. In making this determination, the Homeless Liaison will gather relevant information, including, but not limited to, information about the student's and parent/guardian's current and past living situations, the reasons for the student's current living situation, the availability of other living arrangements for the student, and records required for enrollment.

III. If the student is determined to be homeless, the parent/guardian (or student if an unaccompanied student who is homeless) will be informed of the enrollment options available to the student and transportation services available.

III. If it is determined that the student is not homeless, the parent/guardian (or student if an unaccompanied student who is homeless) will be provided with a written explanation of the school's decision, including information regarding the right to appeal the decision (as explained in section I below).

III. Student Enrollment

The CESD will facilitate the student's enrollment in school, according to the student's best interest (as explained in subparagraph 2 below).

I. Enrollment options could include:

I. Continuing the student's enrollment in the student's "school of origin" (the public school the student attended when permanently housed) for the duration of homelessness in any case in which a family becomes homeless between academic years or during an academic year, and for the remainder of the academic year if the student becomes permanently housed during an academic year; or

II. Attending the public school in the attendance area where the student is now actually living.

II. The student is to be enrolled in a school according to the student's "best interests," which will include student-centered factors such as the impact of mobility on achievement, education, health, and safety of the student. Furthermore, the Homeless Liaison shall presume that keeping the student in the school of origin is in the student's best interest, except when doing so is contrary to the request of the child's parent/guardian, or (in the case of an unaccompanied student who is homeless) the student's own wishes. When applicable, the Homeless Liaison will consider information about the student's disability in the determination of best interest. The Homeless Liaison will also consider the views of the school administrative unit of current residence.

III. If a student is to be enrolled in a school other than the school of origin or the school requested by the parent/guardian (or the unaccompanied student who is homeless), the Homeless Liaison shall provide the parent/guardian (or unaccompanied student who is homeless) with a written explanation, including information regarding the right to appeal the decision (see below).

IV. A student determined to be homeless shall be immediately enrolled in a CESD school, if found to be in the student's best interest, even if the student is unable to produce records normally required for enrollment (such as

academic records and immunization records), or pending any appeal of a school enrollment decision.

V. In the event a dispute arises over enrollment in a school, the student shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute.

I. Educational and Transportation Services

Students who are homeless shall be provided services comparable to those offered to other students in the same school, including:

I. Educational services for which the student is eligible, including but not limited to preschool, special education, gifted and talented programs, vocational programs, college readiness, school choice options, before and after school programs, school meals through the National School Lunch Program, Title I and limited English proficiency programs, and other school-based support services.

II. Transportation services. If requested by the parent/guardian (or in the case of an unaccompanied student who is homeless, the Homeless Liaison), students who are homeless must be provided with daily transportation to or from the school of origin. If the student continues to live in the area served by the school unit in which the school of origin is located, that school unit must provide or arrange for the student's transportation to or from the school of origin. If the student continues to attend the school of origin and the student begins living in an area served by another school unit, the school unit of origin and the school unit of residence must agree upon a method to apportion the responsibility and costs for providing transportation to and from the school of origin. If the school units cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

I. Coordination with Other School Units and Agencies

The Homeless Liaison shall be responsible for coordinating with local social service and other agencies and other school units as necessary to ensure that children and youth who are homeless have access to education and related support services. The Homeless Liaison will provide referrals to families/children who are homeless for health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services as necessary.

I. Record keeping and Student Privacy

The Homeless Liaison shall ensure proper record keeping of information required under federal and state regulations. Information regarding a student's living situation is subject to federal and state privacy laws, such as the Federal Education Records and Privacy Act (FERPA).

I. Public Notice

The Homeless Liaison is responsible for providing all required notices and any other information required to be shared or distributed with parents/guardians (or unaccompanied students who are homeless) by law. The Homeless Liaison will identify the appropriate method to distribute and post information so that it is readily accessible to the public.

I. Dispute Resolution

The CESD Appeal Procedure

I. If a parent/guardian (or unaccompanied student who is homeless) is dissatisfied with the determination by the Homeless Liaison that a student is not homeless or with the enrollment decision, they may appeal the decision in writing to the Superintendent within five (5) school days.

II. The Superintendent shall review pertinent records and conduct further investigation if deemed appropriate. The Superintendent shall notify the parent/guardian (or unaccompanied student who is homeless) of their decision in writing within twenty (20) school days.

III. If the parent/guardian (or unaccompanied student who is homeless) is dissatisfied with the Superintendent's decision, they may ask the Homeless Liaison to forward the appeal to the Department of Education for final resolution. This request must be made within five (5) school days of the parent/guardian's receipt of the decision.

I. Maine Department of Education Dispute Resolution Process

I. When disagreement remains after the CESD appeal procedure, the Homeless Liaison will assist the parent/guardian, or unaccompanied student who is homeless in assembling an appeal packet for submission to the State Homeless Education Coordinator of the Maine Department of Education, if requested. Appeals to the Maine Department of Education will be handled as specified in Maine Department of Education Rule Chapter 14, including an Initial State Review by the State Homeless Education Coordinator and a final appeal, if requested, by the Commissioner of Education.

II. Disputes among school units. In situations where there is a disagreement between the CESD and another school unit over a determination of eligibility or best interest, the CESD may request informal assistance from the State Homeless Education Coordinator. Should the disagreement persist, the CESD or the other school unit may initiate the dispute resolution process specified in Maine Department of Education Rule Chapter 14. In such a case, the Homeless Liaison will assist the parent/guardian (or unaccompanied student who is homeless) in assembling any documents they wish to submit, if requested.

Cross Reference:

- JFABD – Education of Students Who Are Homeless
- JRA – Student Education Records and Information

Adopted:

- May 11, 2021

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