

ADMISSION OF HOMELESS STUDENTS

It is the policy of the Board to ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths attending its schools. By adopting this policy, the Board seeks to remove barriers to the identification of, or the enrollment, attendance, or success in school of, homeless children and youths, including unaccompanied youths. The District shall take reasonable steps to ensure that homeless students, including unaccompanied youths, are not segregated or stigmatized and that educational decisions are made in the best interest of those students. The Board hereby authorizes the Superintendent or designee to adopt procedures to implement this policy as needed.

I. Homeless Students and Youths

Under the federal McKinney-Vento Homeless Assistance Act, and guidance provided by the New Hampshire Department of Education, the term “homeless children and youths” means “individuals who lack a fixed, regular and adequate nighttime residence.” This term includes:

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 lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Are abandoned in hospitals;
5. Having a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
6. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
7. Are migratory children living in conditions described in previous examples.

Children awaiting foster care may also fall within this definition if they meet other criteria as set forth above. See also Board Policy JFABE, Education of Children in Foster Care. For purposes of this policy (JFABD), “homeless students” shall refer to and include “homeless children and youth” and “unaccompanied youth” as they are defined under federal law. See 42 U.S.C. § 11434a. (defining “unaccompanied youth” as a homeless child or youth not in the physical custody of a parent or guardian.)

II. District’s Homeless Liaison

The Superintendent shall designate an appropriate staff person to be the District’s liaison (“Homeless Liaison”) for homeless students and their families.

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The duties of the Homeless Liaison shall be as provided in state and federal law, as well this policy and any procedures subsequently adopted. The duties of the Homeless Liaison include, but are not limited to ensuring the following:

1. Homeless children and youths are identified by school personnel through outreach and coordinated activities with other entities and agencies;
2. Homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;
3. Homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, as outlined by applicable law and this policy;
4. Homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;
5. 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;
6. Public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;
7. Enrollment and/or eligibility disputes are mediated in accordance with this policy;
8. The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, and receives assistance in accessing these services;
9. School personnel providing services under this policy receive professional development and other support; and
10. Unaccompanied youths
 - a. are enrolled in school;
 - b. have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth; and
 - c. are informed of their status as independent students under section 1087vv of Title 20 and that the youths may obtain assistance from the Homeless Liaison to receive verification of such status for purposes of the Free Application for Federal Student Aide described in section 1090 of Title 20. See 42 U.S.C. § 11432(g)(6)(A).

Consistent with the above, the District's Homeless Liaison shall coordinate with local social services 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. The District's Liaison will also review and make recommendations related to District policies and procedures that may act as barriers to the enrollment of homeless students.

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III. Enrollment and School Stability

Homeless students are eligible to attend their school of origin or any public school that non-homeless students who live in the attendance area in which the homeless student is actually living are eligible to attend.

When selecting the school, a child or youth experiencing homelessness should attend, the choice must be made according to the child's or youth's best interest. In determining the best interest of an eligible child or youth, the District shall presume that keeping the student in the school of origin is in their best interest, except when doing so is contrary to the request of the parent/guardian or unaccompanied youth. The school of origin is defined as:

1. The school that a child or youth attended when permanently housed, or the school in which the child or youth was last enrolled, including a preschool.
2. 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.

The District shall consider student-centered factors related to the child or youth's best interest, including factors related to the impact of mobility on achievement, education, health and safety of homeless students, giving priority to the request of the parent or unaccompanied youth. Homeless students shall not be required to attend a separate school.

The school selected in accordance with this section shall immediately enroll the homeless child or youth, even if the child or youth:

1. 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
2. has missed application or enrollment deadlines during any period of homelessness.

Emergency contact information is required at the time of enrollment consistent with District policies.

Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the District Homeless Liaison is directed to assist. Records from the student's previous school shall *immediately* be requested from the previous school on enrollment. Information about a homeless child's or youth's living situation shall be treated as a student education record and shall not be deemed to be directory information under Family Educational Rights and Privacy Act ("FERPA").

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Any record ordinarily kept by the school, including immunization or other required health 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 involved are available, in a timely fashion, when a child or youth enters a new school or school district; and
2. in a manner consistent with FERPA.

IV. Educational and Other Services

Each student who is homeless shall have access to and shall be provided education services for which the student is eligible comparable to services provided to other students in the school, including (to the extent applicable) vocational and technical education programs, gifted and talented education programs, school nutrition programs, Head Start and comparable pre-school programs, Title I, similar state programs, special education, and education for English learners. Transportation services for students who are homeless shall be provided in accordance with applicable law and as generally described below.

V. Transportation

The District shall provide adequate and appropriate transportation to the school of origin upon the request of a parent or guardian, or in the case of an unaccompanied youth, upon the request of the Homeless Liaison. 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 the Merrimack School District, the Merrimack School District will make reasonable efforts to reach an agreement on a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the Districts are unable to agree upon such method, federal law states that the responsibility and costs for transportation shall be shared equally. If transportation is provided to a school other than the school of origin, the Merrimack School District shall provide transportation services comparable to other non-homeless students.

VI. Dispute Resolution

If there is a dispute with respect to a student's status as a homeless student (an eligibility dispute) or where a homeless student should attend school (an enrollment dispute), the student shall be *immediately* enrolled in the school in which enrollment is sought by the parent/guardian or unaccompanied youth pending resolution of the dispute, including all available appeals. Moreover, the student shall have the right to participate fully in school and receive all services for which they are eligible. All disputes shall be resolved as expeditiously as possible and in conformance with this policy. In the case of an unaccompanied youth, the Homeless Liaison shall assist the youth in the dispute process.

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If more than one school district is involved in a residency dispute, the Merrimack School District Superintendent will work with the superintendent from the other District to make such a decision.

A. Homeless Liaison's Initial Determination

The Homeless Liaison will make all initial determinations with respect to eligibility and enrollment of homeless students. All schools within the District shall direct enrollment requests involving potentially homeless students to the Homeless Liaison.

In the event the Homeless Liaison's determination with respect to eligibility or enrollment is in conflict with the wishes of the homeless student's parent/guardian, or, if applicable, the unaccompanied youth, there shall be a right to an appeal. In such circumstances, the District shall provide the parent/guardian or unaccompanied youth with written notice including:

1. A succinct explanation of the District's placement/eligibility decision;
2. Contact information for the District Homeless Liaison and the New Hampshire Department of Education State Coordinator for Education of Homeless Children and Youth;
3. Notification of the parent/guardian/unaccompanied youth's right to appeal this determination to the Superintendent, as well as a description of the District's dispute resolution procedures and instructions on how to initiate the same;
4. Notification of the parent/guardian/unaccompanied youth's right to appeal the Superintendent's determination to the New Hampshire Department of Education after the District's dispute resolution process has been exhausted.
5. Notification of the right to enroll in the school of choice pending resolution of the dispute;
6. Notification of the right to participate fully in school and receive all services for which they are eligible at the school of choice pending resolution of the dispute; and
7. A summary of this policy.

B. Appeal to the Superintendent

Upon initiation of an appeal to the Superintendent, the Superintendent shall meet with the homeless student's family or unaccompanied youth. This meeting shall occur within 5 days of the District's receipt of the appeal. Following this meeting, the superintendent shall make a determination with respect to the eligibility or enrollment dispute.

The Superintendent's decision shall be provided to the parent/guardian or accompanied youth within 10 days of the parties' meeting. The parents/guardians or unaccompanied youth shall be

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provided a brief, written explanation of the Superintendent's decision, which shall be in the language that is direct and comprehensible, but not intimidating. This explanation shall include:

1. A succinct explanation of the decision and the reasons behind the determination;
2. Notification of the right to enroll in the school of choice pending the resolution of the dispute;
3. Notification of the right to participate fully in school and receive all services for which they are eligible at the school of choice pending resolution of the dispute;
4. Contact information for Homeless Liaison and the State Coordinator's Office for Education of Homeless Children & Youth;
5. A statement regarding the right to appeal the decision to the New Hampshire Department of education, and instructions on how to do the same; and
6. A copy of this policy.

The Superintendent shall also notify the copy of the New Hampshire Department of Education's State Coordinator's Office for Education of Homeless Children & Youth on any notification of the Superintendent's decision which is contrary to the wishes of the parents/guardians or unaccompanied youth.

The District shall maintain copies of all written decisions, appeals and notifications concerning eligibility or enrollment requests made under this policy for the same period as it does for Title I records.

C. Deadline to Appeal

Parents/guardians of homeless students and unaccompanied youth will have 5 business days to appeal any determination of eligibility or enrollment by either the Homeless Liaison and/or the Superintendent. This appellate timeframe may be extended for good cause, as determined by the District. If the District does not receive notice of the parent/guardian/unaccompanied youth's intent to appeal before this deadline, the District's decision will become final.

VII. Written Notice and Dissemination of Policy

The District shall provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that sets forth the general rights provided by the McKinney-Vento Act and this policy, including the following:

1. Information on the choice of schools homeless children and youths are eligible to attend;
2. A statement that no homeless child or youth is required to attend a separate school for homeless children or youths;

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3. A statement that homeless children and youths shall be provided comparable services as provided to non-homeless students, including transportation services, educational services, and meals through school meals programs; and
4. A statement that homeless children and youths should not be stigmatized by school personnel; and
5. The contact information for the Homeless Liaison and the State Coordinator for Education of Homeless Children and Youths.

This notice shall be in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth), and it shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth).

In addition, the District, in consultation with the Homeless Liaison, shall review and revise its policies and procedures to remove barriers to the education of homeless children and youth, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

VIII. Professional Development and Training

The Homeless Liaison shall be required to participate in professional development and other technical assistance activities as provided by the New Hampshire Department of Education. Other staff providing services under this policy, including all school enrollment staff, secretaries, school counselors, school social workers, and principals, shall receive training on the legal requirements for enrollment. School nutrition staff, school nurses, teachers, security guards, and bus drivers shall receive training on homelessness that is specific to their field.

Legal Reference:

Every Student Succeeds Act of 2015, 20 U.S.C. § 6301, et seq.

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

RSA 193:12, Legal Residence Required

NH Code of Administrative Rules, Section Ed 306.04(a)(19), Homeless Students

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