

5014
Homeless Students

1. General Policy

The school district will provide tuition free education for homeless children and youth who are in the district and accord them the educational rights and legal protections provided by state and federal law. Homeless children and youth shall not be stigmatized or segregated on the basis of their status as homeless and shall have access to the same services offered to other students. It is the intent of this policy to remove barriers to the enrollment and retention of homeless children and youth in the school district.

2. Homeless Liaison

The district's homeless liaison is the Director of Student Services for the district. Students in homeless situations who require assistance should contact the liaison at (402 643-2968) or in person at Seward Elementary School.

- a. Ensuring homeless children and youth are identified through coordination with the Nebraska Department of Education, community groups, and other school personnel;
- b. Receiving training regarding state and federal law governing homeless children and youth;
- c. Ensuring homeless children and youth and their families are referred to appropriate health care, housing, and other relevant service providers and programs available in the community;
- d. Assisting other District personnel to work with homeless children and youth and their families on regular attendance, participation in programs and activities of the District, and completing academic work to meet academic standards of the District;
- e. Assisting homeless children and youth and working with other District employees to prepare for and improve college readiness, including assistance with applications, selection, financial aid, and status verification for purposes of the Free Application for Federal Student Aid; and
- f. Carrying out other aspects of this policy.

3. Definitions

- a. "Homeless children and youth" means individuals who lack a fixed, regular, and adequate nighttime residence and include

- i. Children and youths 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 accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals ~~or are awaiting foster care placement~~; and
 - ii. Children and youths who 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;
 - iii. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - iv. Migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).
- b. The term “homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained by the act of Congress or by state law.
 - c. “Child” and “youth” refers to persons who, if they were children of residents of the District, would be entitled to a free education.
 - d. The term "unaccompanied youth" ~~includes a~~ **shall mean a homeless child or** youth not in the physical custody of a parent or guardian.
 - e. “School of origin” means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

4. School Stability and Enrollment. Generally, the District presumes that keeping a homeless child or youth in their school of origin is in the child’s best interest unless it is contrary to a request of the child’s parent, guardian, or in the case of an unaccompanied youth, the youth. The District will also consider factors including, but not limited to: the impact of mobility on achievement, education, health, and safety of the child.

5. Strategies to Address Enrollment Delays. In order to address enrollment delays resulting from homelessness, the school district shall immediately enroll homeless students even if they are unable to produce records normally required for enrollment such as immunization and medical records, residency documents, birth certificates, school records, or other documentation, or guardianship documents. The school district shall immediately contact the school last attended by the student to obtain academic and other records. The school district’s

homeless liaison shall assist in obtaining necessary immunizations, or immunization or medical records.

6. Transportation. Transportation shall be provided to homeless students to the extent required by law and comparable to that provided to students who are not homeless. At the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), transportation shall be provided to and from the school of origin as follows:

- a. If the homeless child or youth continues to live in the area served by the school district, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the school district.
- b. If the homeless child's or youth's living arrangements in the area served by the school district terminate and the child or youth, though continuing his or her education in the school district, begins living in an area served by another school district, the school district and the new school district in which the homeless child or youth is living shall negotiate to agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school district. If the districts are unable to agree, the responsibility and cost for transportation shall be shared equally.

7. Records. The District will maintain and respond to requests for enrollment records for homeless children or youth consistent with its record policies and state and federal record laws. Any information about a homeless child's or youth's living situation shall be treated as a confidential education record and shall not be deemed directory information.

8. Dispute Process. If a dispute arises over school selection or enrollment in a school:

- a. The child or youth shall be admitted immediately to the school in which enrollment is sought, pending resolution of the dispute;
- b. The child, youth, parent, or guardian shall be referred to the district's homeless liaison who shall carry out the dispute resolution process within (30) thirty calendar days after receiving notice of the dispute;
- c. The parent or guardian of the child or youth **or, in the case of an unaccompanied youth, the youth,** shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or

unaccompanied youth to appeal the decision within (30) thirty calendar days of the time such complaint or dispute is brought.

- d. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought pending resolution of the dispute.

9. **Appeal Process**

a. Nebraska Department of Education. If the Complainant is not satisfied with the written decision of the District after the dispute resolution process, the Complainant may appeal the decision of the District to the Commissioner of the Nebraska Department of Education within (30) thirty calendar days of receipt of the decision from the District, pursuant to Nebraska Department of Education Rule 19.

b. State Board of Education. If the Complainant is not satisfied with the decision of the Commissioner, the Complainant may file a Petition with the State Board of Education within (30) thirty calendar days of the receipt of the decision of the Commissioner pursuant to Nebraska Department of Education Rule 19.

Adopted on: September 14, 2015

Reviewed on: _____

Revised on: June 12, 2017

McKINNEY-VENTO DISPUTE FORM

District Liaison Name and Contact Information: _____

Nebraska Department of Education Liaison may be reached at 402-471-2481.

Child/Youth's Name: _____

Person completing form and relationship to student:

Contact information: (Address/phone/e-mail)

I am disputing the following decision because (give detailed information):

I request that the following action be taken on this dispute:

Parent/guardian or unaccompanied homeless youth's signature:
_____ Date: _____

NOTE: The district's written response and explanation of the decision regarding any dispute of a parent, guardian or other person having legal or actual charge or control of a homeless child or youth or an unaccompanied homeless youth will be given within thirty (30) calendar days of the time such complaint or dispute is brought. (NDE Rule 19, Section 005.02)

For School Use

Date the form was received by District Homeless Liaison: _____

**McKINNEY-VENTO DISPUTE RESOLUTION WRITTEN
RESPONSE AND RIGHT TO APPEAL NOTIFICATION**

Determination of District

In compliance with the McKinney-Vento Homeless Assistance Act, the following written notification and determination of the District was provided within 30 calendar days of the time such dispute was brought:

After reviewing the information relevant to the dispute, the District's determination and explanation for this determination is as follows:

Administrator's Signature: _____ Date: _____

Signature of parent, guardian or other person having legal or actual charge or control of a homeless child or youth: _____ Date: _____

Signature of Unaccompanied Homeless Youth:
_____ Date: _____

Notice of Right to Appeal

If you are not satisfied with the determination on this dispute, you have the right to appeal as provided for in the District's Homeless Students policy and the Nebraska Department of Education Rule 19, Sections 005.03 and 005.03C available online at:

www.education.ne.gov/legal/webrulespdf/Clean_19_2010.pdf

For more information about the right to appeal, you may contact the following people:

- (1) The District's Homeless Liaison at: _____; or
- (2) Nebraska Department of Education Homeless Education Coordinator at: 402-471-2481

WRITTEN NOTIFICATION OF ENROLLMENT/PLACEMENT DECISION

**WRITTEN NOTIFICATION OF
ENROLLMENT/PLACEMENT DECISION FOR STUDENT**

The following written notification is provided to:

Parent/Guardian Name: _____

Unaccompanied Youth Name: _____

After reviewing the request to enroll the child/youth, the determinations are as follows:

McKinney-Vento Act Eligibility:

_____ Child/youth qualifies under the McKinney-Vento Act.

_____ Child/youth does not qualify under the McKinney-Vento Act. Following is the explanation of this decision.

Placement of McKinney-Vento Eligible child/youth:

Based on the best interest of the child/youth the placement will be at:

Explanation of placement (if placement is not in school of origin or the school of choice of parent/guardian or unaccompanied youth):

Administrator Signature: _____

Date on which this Written Notification form was provided to the parent/guardian and/or unaccompanied youth: _____

Parent/Guardian or Unaccompanied Youth Signature: _____

NOTE: If you are not satisfied with the determinations, you have the right to use the McKinney-Vento dispute resolution process as outlined in the District Homeless Policy. Contact the District Homeless Liaison and complete the Dispute Resolution Form.