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### **REPLACEMENT POLICY - VOL. 17, NO. 2**

#### **5111.01 - HOMELESS STUDENTS**

For purposes of this policy, pursuant to Federal and State law, homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include those who meet any of the following criteria:

- A. share the housing of other persons due to loss of housing, economic hardship, or similar reason;
- B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations;
- C. live in emergency or transitional shelters;
- D. are abandoned in hospitals or awaiting for foster care placement;
- E. 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; or
- F. live in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.

Additionally, pursuant to State law, an unaccompanied homeless youth is an individual who is sixteen (16) years of age or older and is found by the District's Liaison for Homeless Children to be an unaccompanied homeless youth eligible for services under Federal law.

Further, pursuant to Federal and State law, children or youth who are experiencing homelessness also include migratory children who are living in circumstances described in A-F above.

It is the policy of the School Board that homeless students are afforded the same free appropriate public education as provided to other students and have access to the educational and other services that they need so that they have the opportunity to meet the same challenging Florida academic achievement standards to which all students are held. Homeless preschool-aged children and their families shall have access to the educational services for which they are eligible, including preschool programs administered by the School District.

Homeless students will not be stigmatized or segregated on the basis of their status as homeless. The District shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness.

The District shall remove barriers to the enrollment and retention of homeless students in schools in the District. Homeless students shall be enrolled immediately, even if they do not have the necessary enrollment documentation such as immunization and health records, proof of residency or guardianship, birth certificate, school records, and other documentation.

Further, the Homeless Liaison will assist, to the extent feasible, the homeless students and their parent(s)/guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school. No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

The District will keep homeless students in the school of origin, that is, the school that the child or youth attended when permanently housed or last enrolled, or will be assigned to the school serving the grade in which the student will be placed in the attendance zone where the child or youth currently resides.

Homeless students will be provided services comparable to other students in the District including:

- A. transportation services;



- B. ~~educational services for which the homeless student meets eligibility criteria including services provided under Title I, Part A of the Elementary and Secondary Education Act or similar State and local programs; educational programs for children with disabilities and gifted students; and educational programs for students with limited English proficiency;~~
- C. ~~programs in vocational and technical education;~~
- D. ~~school nutrition programs; and~~
- E. ~~before- and after-school programs;~~

The Board recognizes that homeless students have the right to remain in their school of origin and the right to dispute their school assignment, if their assignment is other than their school of origin. The Board requires that these rights and the dispute process be communicated to the parent or guardian of the homeless student or unaccompanied youth. According to the child's or youth's best interest, a homeless student will either remain in the school of origin for the duration of homelessness, or be enrolled in the school in the attendance zone where the student currently resides. The school of origin is the school that student attended when permanently housed or last enrolled.

In determining the best interest of the student, the District shall, to the extent feasible, keep the student in the school of origin, except when doing so is contrary to the wishes of the homeless student's parent/guardian or the unaccompanied youth. If the student is sent to a school other than the school of origin or a school requested by the parent/guardian, a written explanation, including a statement regarding the right to appeal, will be provided to the homeless student's parent/guardian or the unaccompanied youth. Each school in the District shall post public notice of educational rights of children and youth experiencing homelessness.

At the request of the parent/guardian, or in the case of an unaccompanied youth, or the local Homeless Liaison, transportation shall be provided for a homeless student to and from the school of origin as follows:

- A. If the homeless student continues to live in the School District in which the school of origin is located, transportation will be provided.
- B. If the homeless student moves to an area served by another district, though continuing his/her education at the school of origin, the district of origin and the district in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin. If the districts cannot agree upon such a method, the responsibility and costs must be shared equally.

The Superintendent will appoint a Liaison for Homeless Children who will perform the duties as required by law, as well as additional duties that may be assigned by the Superintendent. Such duties include, but are not limited to, providing written certification documenting that an individual meets the definition set forth in State law of "unaccompanied homeless youth". The written certification shall be issued on official District letterhead stationery of the Homeless Liaison and shall include the date of the finding, a citation to F.S. 743.067(2), and the Homeless Liaison's signature.

Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youth.

#### Definitions

Children who are identified as meeting the Federal definition of "homeless" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the District. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. The District shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness. The District shall regularly review and revise its policies, including school discipline policies that impact homeless students, including those who may be a member of any of the protected classes (Policy 2260).

Homeless children and youth, including "certified homeless youth" under State law, are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

- A. share the housing of other persons due to loss of housing, economic hardship, or similar reason
- B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations
- C. live in emergency or transitional shelters
- D. are abandoned in hospitals
- E. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, or
- F. live in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.

**NOTE:** According to nonregulatory guidance from the U.S. Department of Education (ED), standards for adequate housing may vary by locality. Please see *Education for Homeless Children and Youth Programs, Non-Regulatory Guidance*, U.S. Department of Education (ED), for factors to consider when determining whether a child or youth is living in "substandard housing".

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth under the age of twenty-one (21) and not in the physical custody of a parent or guardian. Under State law an unaccompanied homeless youth who is sixteen (16) years of age or older and found to be an unaccompanied homeless youth eligible for services under Federal law shall be issued a certificate by the District's Liaison for Homeless Children on District letterhead documenting his/her status which is to be accepted by medical providers and the courts.

Additionally, pursuant to Federal and State law, children or youth who are experiencing homelessness also include migratory children who are living in circumstances described in A-F above.

#### Services to Homeless Children and Youth



- The District will provide services to homeless students that are comparable to other students in the District, including:

- A. transportation services;
- B. public preschool programs and other educational programs and services for which the homeless student meets eligibility criteria including:
  - 1. programs for children with disabilities
  - 2. programs for English learners (ELs) (i.e., students with Limited English Proficiency (LEP));
  - 3. programs in career and technical education;
  - 4. programs for gifted and talented students;
  - 5. school nutrition programs; and
  - 6. before - and after-school programs.

- The Superintendent will appoint a Liaison for Homeless Children who will perform the duties as assigned by the Superintendent. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths. For more information on the role of the Liaison, refer to AP 5111.01.

#### - School Stability

- Maintaining a stable school environment is crucial to a homeless student's success in school. To ensure stability, the District must make school placement determinations based on the "best interest" of the homeless child or youth based on student-centered factors. The District must:

- A. continue the student's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or
- B. enroll the student in any public school that non-homeless students who live in the attendance area in which the child or youth, or the family of the child or youth, is actually living are eligible to attend.

- When determining a child or youth's best interest, the District must assume that keeping the homeless student in the school of origin is in that student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or the student if he or she is an unaccompanied youth. The school of origin is the school the student attended or enrolled in when permanently housed, including a public preschool. The school of origin also includes the designated receiving school at the next level for feeder school patterns, when the student completes the final grade level at the school of origin.

- When determining the student's best interest, the District must also consider student-centered factors, including the impact of mobility on achievement, education, health, and safety of homeless students and give priority to the request of the student's parent or guardian, or youth (if an unaccompanied youth). The District also considers the school placement of siblings when making this determination.

- If the District finds that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or unaccompanied youth, the District must provide the individual with a written explanation and reason for the determination in a manner and form understandable to the parent, guardian or unaccompanied youth. This written explanation will include appeal rights and be provided in a timely manner.

#### - Immediate Enrollment

- The District has an obligation to remove barriers to the enrollment and retention of homeless students. If a school other than the student's school of origin is chosen on the basis of a best interest determination, the homeless student must be immediately enrolled, even if the student does not have the documentation typically necessary for enrollment, such as immunization and other required health records, proof of residency, proof of guardianship, birth certificate, or previous academic records. The homeless student must also be enrolled immediately regardless of whether the student missed application or enrollment deadlines during the period of homelessness, fails to meet uniform or dress code requirements, or has outstanding fines or fees.

- The enrolling school must immediately contact the school last attended by the homeless student to obtain relevant academic or other records. If the student needs immunization or other health records, the enrolling school must immediately refer the parent, guardian or unaccompanied youth to the Liaison, who will help obtain the immunizations, screenings or other required health records. Records usually maintained by the school must be kept so that they are available in a timely fashion if the child enters a new school or district. These records include immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs. Procedures for inter-State records transfer between schools should be taken into account in order to facilitate immediate enrollment.

- In addition, it shall be the District's responsibility to make sure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs (if available).

#### - Transportation

- The District shall promptly provide homeless students with transportation services that are comparable to those available to non-homeless students. At the request of the parent or guardian, or the liaison in the case of an unaccompanied youth, the District shall provide, or arrange for, transportation to and from the student's school of origin.

- A. If the homeless student continues to live in the District, transportation shall be provided, or the District shall arrange for the student's



transportation, to/from his/her school of origin.

- B. If the homeless student resides in another school district, but the best interest determination is that the student should continue his/her education at the school of origin in the District, the District and the school district in which the student now resides shall agree upon a method to equitably apportion responsibility and costs for transportation to the school of origin.

If there is not an agreement, the District shall assume responsibility to transport the student from the district of residence to the school of origin in the District. Since Federal law requires that the responsibility and costs to be shared equally, the district of residence shall be invoiced for their share of the cost for transportation.

- C. If the homeless student resides in the District, but the best interest determination is that the student should continue his/her education at the school of origin in another district, the District and the school district in which the student's school of origin is located shall agree upon a method to equitably apportion responsibility and costs for transportation to the school of origin.

If there is not an agreement, the District shall assume responsibility to transport the student to the school of origin in the other district. Since Federal law requires the responsibility and costs for transportation services to be shared equally, the district in which the school of origin is located shall be invoiced for their share of the cost for transportation.

- D. When the student obtains permanent housing, transportation shall be provided to and from the school of origin until the end of the school year.

The mode of transportation shall be determined in consultation with the parent or guardian and shall be based on the best interest of the student.

In accordance with Federal law, the above transportation requirements still apply during the resolution of any dispute. The District will work with the State to resolve transportation disputes with other districts. Until the Districts reach agreement, the responsibility and costs for transportation shall be shared equally. ~~costs for transportation are to be shared equally.~~

If the disputing district is in another State, the District will turn to the State for assistance as Federal guidance says that both states should try to arrange an agreement for the districts.

#### Dispute Resolution

Homeless families and youths have the right to challenge placement and enrollment decisions. If a dispute arises between a school and a parent, guardian or unaccompanied youth regarding eligibility, school selection, or enrollment of a homeless student, the District must follow its dispute resolution procedures, consistent with the State's procedures. If such a dispute occurs, the District will immediately enroll the homeless student in the school in which enrollment is sought pending final resolution of the dispute, including all appeals. The student will receive all services for which they are eligible until all disputes and appeals are resolved.

Pursuant to Federal and State law, State Board rule, and this policy, the District will provide the parent, guardian, or unaccompanied youth with a written explanation of all decisions regarding school selection and enrollment made by the District, along with a written explanation of appeal rights.

The District's notice and written explanation about the reason for its decision will include, at a minimum, an explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, including the following:

- A. a description of the proposed or refused action by the school;
- B. an explanation of why the action is proposed or refused;
- C. a description of other options the school considered and why those options were rejected;
- D. a description of any other relevant factors to the school's decision and information related to the eligibility or best interest determination such as the facts, witnesses, and evidence relied upon and their sources; and
- E. an appropriate timeline to ensure deadlines are not missed.

The District's notice and written explanation shall include contact information for the Liaison and the State Coordinator, and a brief description of the roles of each. The District's notice and written explanation shall also inform the parent, guardian, or unaccompanied youth that the Liaison is responsible for providing information describing the State-level dispute resolution process and distributing the appropriate forms to all parties wanting to file an appeal.

To initiate the State-level appeals process, within ten (10) working days after receiving written notification of the District-level or inter-district decision, the parent, guardian, or unaccompanied youth may file an appeal with the Liaison, who must provide it to FLDOE. Upon receipt of an appeal, the Liaison is required to notify FLDOE of the State-level appeal and provide that appeal to the FLDOE. The local liaison also must log incidents of State-level appeals in the FLDOE Online Dispute Resolution Tracking System.

The FLDOE and the Commissioner of Education will render a decision on any appeal and provide a copy of such decision to the parties.

All decisions and notices shall be drafted in a language and format appropriate for low-literacy, limited vision readers, and individuals with disabilities.

For children and youth and/or parents or guardians who are English learners or whose dominant language is not English, the District will provide translation and interpretation services in connection with all phases of the dispute resolution process pursuant to federal laws.

The District will also provide electronic notices via email if the parent, guardian or unaccompanied youth has access to email followed by a written notice provided in person or sent by mail.

#### Homeless Children in Preschool

Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including



preschool programs, including Head Start programs, administered by the District. Additionally, the homeless child must remain in the public preschool of origin, unless a determination is made that it is not in the child's best interest. When making such a decision on the student's best interest, the District takes into account the same factors as it does for any student, regardless of age. It also considers pre-school age specific factors, such as 1) the child's attachment to preschool teachers and staff; 2) the impact of school climate on the child, including school safety; the quality and availability of services to meet the child's needs, including health, developmental, and social-emotional needs; and 3) travel time to and from school.

The District must also provide transportation services to the school of origin for a homeless child attending preschool. It is the District's responsibility to provide the child with transportation to the school of origin even if the homeless preschooler who is enrolled in a public preschool in the District moves to another district that does not provide widely available or universal preschool.

#### Public Notice

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described above, the District shall post public notice of educational rights of children and youth experiencing homelessness in each school. In addition, the District shall post public notice of the McKinney-Vento rights in places that homeless populations frequent, such as shelters, soup kitchens, and libraries in a manner and form understandable to the parents and guardians and unaccompanied youths.

#### Records

The local liaison will assist the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.

All records for homeless students shall be maintained, subject to the protections of the Family Educational Rights and Privacy Act (FERPA) and Policy 8330, and in such a manner so that they are available in a timely fashion and can be transferred promptly to the appropriate parties, as required. Pursuant to the McKinney-Vento Act, information regarding a homeless student's living situation is not considered directory information and must be provided the same protections as other non-directory personally identifiable information (PII) contained in student education records under FERPA. The District shall incorporate practices to protect student privacy as described in AP 5111.01, AP 8330, and in accordance with the provisions of the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA).

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

F.S. 743.067

[F.S. 1003.01](#)

[F.S. 1003.21](#)

[F.S. 1003.22](#)

[F.S. 1009.21](#)

[F.S. 1009.25](#)

42 U.S.C. 11431 et seq.

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#### Legal

[F.S. 743.067](#)

[F.S. 1003.01](#)

[F.S. 1003.21](#)

[F.S. 1003.22](#)

[F.S. 1009.21](#)

[F.S. 1009.25](#)

[42 U.S.C. 11431 et seq.](#)

#### Cross References

[ap5111 - ADMISSION TO THE DISTRICT](#)

[ap5111.01 - HOMELESS STUDENTS](#)

Last Modified by Sam Stalnaker on July 31, 2018