

**BOARD AGENDA ITEM**

**October 24, 2023**

***SUBJECT:***

Adoption of the following policy, administrative rule, and files:

Policy JFABD Admission of Homeless Students, First Reading  
Administrative Rule JFABC Admission of Homeless Students  
File JFABD-E(1) Dispute Resolution Procedures  
File JFABD-E(2) Written Notification of Enrollment Decision (Denial of Enrollment Request)  
File JFABD-E(3) Written Notification of Enrollment Decision (Dispute)

***BACKGROUND INFORMATION:***

The Office of Elementary and Secondary Education in the Department of Education issues guidelines for States related to requirements under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), as amended by the Every Student Succeeds Act (ESSA). These guidelines ensure that homeless children and youths have equal access to the same free, appropriate public education, including a public preschool education, as is provided to other children and youths. The SEA and LEAs in the State must review and revise any laws, regulations, practices, or policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youths.

***ADMINISTRATIVE CONSIDERATION:***

Districts are required to have policy for the admission of homeless students and dispute resolution procedures. Administration recommends Policy JFABD Admission of Homeless Students, First Reading, Administrative Rule JFABC Admission of Homeless Students, File JFABD-E(1) Dispute Resolution Procedures, File JFABD-E(2) Written Notification of Enrollment Decision (Denial of Enrollment Request), and File JFABD-E(3) Written Notification of Enrollment Decision (Dispute) to comply with requirements under the McKinney-Vento Homeless Assistance Act.

***RECOMMENDATION:***

Approve the following policy, administrative rule, and files:

Policy JFABD Admission of Homeless Students, First Reading  
Administrative Rule JFABC Admission of Homeless Students  
File JFABD-E(1) Dispute Resolution Procedures  
File JFABD-E(2) Written Notification of Enrollment Decision (Denial of Enrollment Request)  
File JFABD-E(3) Written Notification of Enrollment Decision (Dispute)

***ATTACHMENTS:***

Policy JFABD Admission of Homeless Students, First Reading  
Administrative Rule JFABC Admission of Homeless Students  
File JFABD-E(1) Dispute Resolution Procedures  
File JFABD-E(2) Written Notification of Enrollment Decision (Denial of Enrollment  
Request)  
File JFABD-E(3) Written Notification of Enrollment Decision (Dispute)

***PREPARED BY:***

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## Policy

# ADMISSION OF HOMELESS STUDENTS

Code **JFABD** Issued **11/23**

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Homeless students in the District will have access to the education and other services needed to ensure that an opportunity is available to meet the same academic achievement standards to which all students are held.

A liaison for students in homeless situations will be designated by the District to carry out duties as required by law.

The District will ensure that homeless students are not stigmatized nor segregated on the basis of their status as homeless. A homeless student will be admitted to the District school in the attendance area in which the student is actually living or to the student's school of origin as requested by the parent/legal guardian and in accordance with the student's best interest. Transportation will be provided to and from the student's school of origin at the request of the parent/legal guardian, or in the case of an unaccompanied student, the District's liaison for homeless students.

An unaccompanied youth or the parent/legal guardian of a homeless student may request a State-level review of the District's final decision regarding an enrollment issue. Under no circumstances will the resolution of a dispute delay the enrollment of said student.

The District will not deny any admission to any student on the basis of race, religion, color, creed, sex, sexual orientation, immigrant status or English-speaking status, national origin, or disabling condition.

The Superintendent will develop administrative procedures to implement this policy.

Adopted 11/14/23

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### Legal references:

- A. Federal Law:
  - 1. McKinney-Vento Homeless Education Improvements Act of 2001, P.L. 107-110, 42 U.S.C. Sections 11431-11435.
  - 2. No Child Left Behind Act of 2001, P.L. 107-110, Section 1115.
- B. State Board of Education Regulations:
  - 1. 43-272.2 – Review process for homeless children and unaccompanied youth.

## ADMISSION OF HOMELESS STUDENTS

Code **JFABD-R** Issued **10/23**

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### Definitions

Enrollment - attending classes and participating fully in school activities.

School of origin - the school that the student attended when permanently housed or the school where last enrolled.

Homeless student - individuals who lack a fixed, regular and adequate nighttime residence and includes the following.

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 lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals or are awaiting foster placement.

Students 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.

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

Migratory students who qualify as homeless because the students are living in circumstances described above.

Unaccompanied student - includes a student not in the physical custody of a parent/legal guardian.

### Assignment to school

The District will, according to the student's best interest, continue the student's education in the school of origin for the duration of homelessness, or enroll the student in a school in the attendance area in which the homeless student is actually living on the same basis as other students.

In determining the best interest of the students, the District will do the following.

To the extent feasible, keep a homeless student in the school of origin, unless doing so is contrary to the wishes of the student's parent/legal guardian.

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Provide a written explanation, including a statement regarding the right to appeal, if the District sends a homeless student to a school other than the school of origin or a school requested by the parent/legal guardian.

In the case of an unaccompanied student, ensure that the District's liaison helps in placement or enrollment decisions, considers the views of the student and provides notice of the right to appeal.

### **Enrollment**

The District will immediately enroll the student in the school selected even if the student is unable to produce records normally required for enrollment such as academic records, medical records, proof of residency or other documentation.

The District will immediately contact the school last attended to obtain relevant academic and other records.

If the student needs to obtain immunizations or immunization or medical records, the District will immediately refer the parent/legal guardian to the District's liaison who will help in obtaining necessary immunizations or records.

### **Records**

Any records ordinarily maintained by the District including immunization or medical records, academic records, birth certificates, guardianship records and evaluations for special services or programs will be maintained so that the records are available, in a timely fashion, when a homeless student enters a new school or District, consistent with state and federal law.

### **Enrollment disputes**

If a dispute arises over school selection or enrollment, the student will be immediately admitted to the school requested pending resolution of the dispute.

The parent/legal guardian of the student will be provided with a written explanation of the District's decision regarding school selection, including the rights of the parent/legal guardian or student to appeal the decision through the District's discrimination complaint procedure.

The student or parent/legal guardian will be referred to the District's liaison who will ensure the resolution process is carried out as expeditiously as possible. In the case of an unaccompanied student, the District's liaison will ensure the student is immediately enrolled in school pending the resolution of the dispute. That is, during the pendency of any administrative or judicial proceeding regarding an enrollment dispute, the student must continuously be enrolled in school, be provided all relevant services and be allowed to participate fully in all school activities.

When it is determined that a dispute cannot be settled at the District level, the District will do the following in a timely manner.

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- Inform the unaccompanied youth or parent/guardian of a homeless child of his/her right to request a South Carolina State Department of Education (SDE) review of the District decision. This request must be made either on the District-supplied request-for-review form or by a telephone interview with the appropriate SDE contact.
- Give the individual a copy of the appropriate form and the SDE contact information.
- Inform the individual that he/she may seek the assistance of advocates or attorneys for the review.

Upon receipt of the submitted request form and any relevant documentation back from the SDE, the district will then send a written response to the SDE and the individual filing the state review request within five business days from receipt of the request-for review form.

### **Services**

Each homeless student will be provided services comparable to services offered to other students, including the following.

- transportation services
- education services for which the student is eligible, such as the following.

- Title 1
- special education
- programs for students with limited English proficiency
- professional technical programs
- talented and gifted programs
- school nutrition programs

### **Coordination**

The District will coordinate the provision of services to homeless students with local social service agencies and other agencies or programs providing services to homeless students and their families. Services will also be provided in cooperation with other Districts on interDistrict issues, such as transportation or transfer of school records, to ensure that homeless students have access to available education and related services.

### **District liaison**

The District's liaison (Coordinator of Social Services) will ensure the following.

Homeless students are identified.

Homeless students enroll in and have a full and equal opportunity to succeed in District schools.

Homeless families and students receive educational services for which they are eligible

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and referrals to healthcare services, dental services, mental health services and other appropriate services.

The parent/legal guardian of a homeless student is informed of the educational and related opportunities available to the student and is provided with meaningful opportunities to participate in the education of his/her child.

Public notice of the educational rights of homeless students is distributed where such students receive services (e.g., schools, family shelters and soup kitchens).

Enrollment disputes are mediated.

The parent/legal guardian of a homeless student, or any unaccompanied student, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school selected.

School personnel, service providers and advocates working with homeless students and their families are informed of the liaison's duties.

The District's liaison will coordinate and collaborate with the state coordinator, community and school personnel responsible for the provision of education and related services to homeless students.

Adopted 10/24/23

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## DISPUTE RESOLUTION PROCEDURES

Code **GCC-E(1)** Issued **10/23**

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### **Responsibilities of the School District**

When it is determined that a dispute cannot be settled at the District level, the School District must carry out the following responsibilities in a timely manner.

- Inform the unaccompanied youth or the parent/guardian of the homeless child concerning his/her right to request that the State Department of Education review the decision of the School District.
- Inform the unaccompanied youth or the parent/guardian of the homeless child that this request must be made either on the District-supplied request-for-review form or by a telephone interview with the coordinator in the State Department of Education's Office of Coordinator for Education of Homeless Children and Youth (1-888-565-7261).
- Give the unaccompanied youth or the parent/guardian of the homeless child a copy of the State Department of Education's request-for-review form and the contact information for the Office of Coordinator for Education of Homeless Children and Youth.
- Inform the unaccompanied youth or the parent/guardian of the homeless child that he/she may seek the assistance of advocates or attorneys for the review.

Once the Office of Coordinator for Education of Homeless Children and Youth has received either the completed request-for-review form or has conducted a full telephone interview with the youth or the parent/guardian, the coordinator will send a copy of the completed form and any other relevant material to the School District.

The School District must send a written response to the State and to the person filing the State review request within five business days from the date it receives the request-for-review form.

### **Responsibilities of the youth or the parent/guardian**

The unaccompanied youth or the parent/guardian of the homeless child must complete and return the request-for-review form to the address designated on the form or must telephone the State Department of Education Coordinator in the Office of Coordinator for Education of Homeless Children and Youth and make an oral report on the circumstances surrounding the request for review (1-888-565-7261).

The youth or the parent/guardian either may attach to the form any additional information he/she thinks is relevant or may telephone the coordinator and provide the information orally.

### **Responsibilities of the State Department of Education Coordinator**

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## **PAGE 2 – JFABD-E(1) – DISPUTE RESOLUTION PROCEDURES**

The coordinator will conduct all State reviews requested by unaccompanied youths or the parents/guardians of the homeless children.

The coordinator will review all written documents submitted concerning the particular dispute. The coordinator may request additional information from the parties in making his/her determination.

The coordinator will make a final decision within 10 business days of receiving the written response from the School District. The decision of the coordinator is binding and will be effective immediately.

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Form

# WRITTEN NOTIFICATION OF ENROLLMENT DECISION (DENIAL OF ENROLLMENT REQUEST)

Code **JFABD-E(2)** Issued **10/23**

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To be completed by the receiving school when an enrollment request is denied.

Date: \_\_\_\_\_ School: \_\_\_\_\_

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

In compliance with Section 722(g)(3)(E) of the McKinney-Vento Homeless Education Assistance Act of 2001, this written notification is provided to the following:

Student(s): \_\_\_\_\_

After reviewing your request to enroll the student(s) listed above, the enrollment request is denied. This determination was based upon the following.

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

You have the right to appeal this decision by completing form \_\_\_\_\_-E(3) or by contacting the School District's local homeless education coordinator.

Liaison's name: \_\_\_\_\_ Title: \_\_\_\_\_

Phone number: \_\_\_\_\_

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 documentation to support your position. You may use form JFABD-E(3) attached to this notification .
- You may complete the appropriate form or contact the state coordinator for homeless education to request a state-level review of the District's final decision regarding an enrollment issue.

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Contact information for the state coordinator.

**Birley Wright**  
**State Department of Education**  
**(803) 734-9563**

- You may seek the assistance of advocates or attorneys.

A copy of our state's enrollment dispute resolution process for students experiencing homelessness is attached.

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Form

# WRITTEN NOTIFICATION OF ENROLLMENT DECISION (DISPUTE)

Code **JFABD-E(3)** Issued **10/23**

This form is to be completed by the parent, guardian, caretaker or unaccompanied youth when a dispute arises. This information may be shared verbally with the local liaison as an alternative to completing this form.

Date submitted: \_\_\_\_\_ Student: \_\_\_\_\_

Relation to student: \_\_\_\_\_

I may be contacted at (phone or e-mail): \_\_\_\_\_

School: \_\_\_\_\_

I have been provided with the following.

- A written explanation of the school's decision.
- Contact information for the local homeless education liaison.
- A copy of the state's enrollment dispute resolution process for students experiencing homelessness.
- A copy of the state's request-for-review form, if applicable.

*You may include a written explanation to support your appeal in this space or provide your explanation verbally.*

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The school provided me with a copy of this form when submitted. \_\_\_\_\_ (initial)

**The School District of Aiken County**