

# REGULATION JFABD **Las Cruces Public Schools**

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**Related Entries:** JFABD, JEB, JFA-R, JFAB, JFAB-R, JLCB-R, JRA, JRA-R

**Responsible Office:** Associate Superintendent for Instruction

## ENROLLMENT OF HOMELESS STUDENTS

### I. PURPOSE

To implement the policy of the LCPS Board of Education with regard to the identification and enrollment in school of homeless students from Las Cruces.

### II. DEFINITIONS

A. *Parent* includes natural parent, adoptive parent, legal guardian, or person having physical custody and is responsible for the student's welfare.

B. *Homeless students* means individuals who lack a fixed, regular, and adequate nighttime residence, whether or not the temporary housing is located in Las Cruces, and who are otherwise eligible for educational services from LCPS. This term includes:

1. Students who are sharing 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 shelters or transitional housing; are abandoned in hospitals; are runaways living in shelters or other inadequate accommodations; or are awaiting foster care placement (children who are already in foster care are not considered homeless);
2. 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;
3. students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus stations, or similar settings; or
4. migratory students as defined under federal law who qualify as homeless because they are living in the circumstances set forth above.

C. *School of origin* means the school the student attended when permanently housed or the school in which the student was last enrolled.

D. *Unaccompanied youth* means a youth not in the physical custody of a parent or guardian, who is in transition as defined above. The more general term youth also includes unaccompanied youth.

- E. *Immediate* means without delay.
- F. *Liaison* means the staff person designated by LCPS as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Homeless Assistance Act of 2001 (reauthorized in 2002).

### III. **PROCEDURES**

#### A. Identification

1. If the family of a new student, in completing LCPS *Student Registration Information*, checks the homeless box, the student should be considered homeless. If the family checks the shared housing box, further inquiry is required to determine whether the student should be considered homeless.
2. The procedures outlined herein are to be applied to currently enrolled students who were not initially identified as homeless when enrolling or whose status has changed to homeless since enrolling, including homeless students who seek to withdraw from an LCPS school because of a loss of housing.

#### B. School Placement

School placement decisions should be made on the basis of the best interest of the homeless student. The best interest of the student could be served by either:

1. Continuing enrollment in the school of origin for the duration of the homelessness if a family becomes homeless during an academic year, or for the remainder of the academic year if the student obtains permanent housing during the academic year.
2. Enrolling the homeless student in the school that non-homeless students who live in the attendance area in which the homeless student is actually living are eligible to attend.

#### C. Best Interest Determination

1. In determining the best interest of the homeless student, the principal/designee shall:
  - a. To the extent feasible, keep the homeless student in the school of origin except when doing so is contrary to the wishes of the homeless student's parent or guardian.
  - b. If the homeless student is recommended for a school other than the school requested by the parent or guardian, provide a written explanation to the parent or guardian which shall include a statement regarding the right to appeal.

- c. In the case of an unaccompanied homeless student, ensure that the homeless liaison assists in placement or enrollment decisions, considers the views of the student, and provides the student with notice of the right to appeal.
2. In selecting the school that is in the best interest of the homeless student, the following process should be followed: Parent/guardian and school personnel shall determine which school will best serve the interests of the student upon consideration of the following factors:
    - a. the student's age;
    - b. the school which the student's siblings attend;
    - c. the student's experiences at the school of origin;
    - d. the student's academic needs;
    - e. the student's emotional needs;
    - f. any other special needs of the student/family;
    - g. continuity of instruction;
    - h. length of stay in the current living situation;
    - i. likely location of the family's future permanent housing;
    - j. time remaining in the school year;
    - k. distance of commute, impact it may have on the student's education, and other student transportation factors; and
    - l. the safety of the student.

#### D. Enrollment

1. The school which is determined to be in the best interest of the homeless student must immediately enroll the student, even if the student is unable to produce the records normally required for enrollment, such as school records, birth certificates, immunization records, and guardianship records.
2. Unaccompanied youth must also be immediately enrolled in school. They may either enroll themselves or be enrolled by a parent, non-parent caretaker, older sibling or liaison.
3. The enrolling school shall immediately contact the school last attended by the

homeless student to obtain relevant academic and other records.

4. Homeless children who seek to enroll with an adult who is not their parent or guardian shall be enrolled immediately and the school will contact the homeless liaison for assistance.
5. If the homeless student needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent to the homeless liaison who shall facilitate obtaining the necessary immunization or medical records.

#### E. Comparable Services

Each homeless student shall be provided services comparable to the services offered to other students in the school which the homeless student attends. Such services include:

1. Transportation services, including to the school of origin, unless the student resides within the established walking distance.
2. Educational services for which the student meets the relevant eligibility criteria, such as services provided under Title I, educational programs for students with disabilities, and educational programs for students with limited English proficiency.
3. Vocational and technical education programs.
4. Programs for gifted and talented students.
5. Immediate eligibility for Free Lunch Program.

#### F. Records

For each homeless student, any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, shall be maintained in accordance with Regulation *JRA-RA, Student Records*, so that they are available in a timely fashion when the student enters a new school or a new school district.

#### G. Homeless Liaison

The homeless liaison shall ensure that:

1. Homeless students are identified by school personnel and through coordination activities with other entities and agencies.

2. Homeless students enroll in and have a full and equal opportunity to succeed in school.
3. Homeless students and families receive educational services for which such students and families are eligible, including Head Start, and preschool programs or special education and language assistance services.
4. The parents of homeless students are informed of the educational and related opportunities available to them and are provided with meaningful opportunities to participate in the education of their children.
5. Public notice of the educational rights of homeless students is disseminated where such students receive services, such as schools, family shelters, and soup kitchens.
6. Enrollment disputes are processed according to applicable procedures.
7. The parents of homeless students, and unaccompanied homeless students, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing such transportation.

#### H. Enrollment Disputes

1. If a dispute arises over school selection or enrollment in a school:
  - a. The homeless student shall be immediately admitted and provided transportation to the school in which enrollment is sought (the school of origin or school in the attendance area where the student actually lives) pending resolution of the dispute.
  - b. The parent shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the right to appeal the decision.
  - c. In the case of an unaccompanied homeless student, the homeless liaison shall ensure that the student is immediately enrolled and provided transportation to the school in which enrollment is sought (the school of origin or school in the attendance area where the student actually lives) pending resolution of the dispute.
2. Disputes regarding enrollment, school selection and services to be provided shall be addressed as follows:
  - a. Upon receipt of a written complaint from the parent of a homeless student, or an unaccompanied homeless student, the principal shall resolve the complaint within five (5) school days.

- b. If the parent or the unaccompanied homeless student is dissatisfied with the resolution, or if the principal does not issue a decision within five (5) days, the parent or the unaccompanied homeless student may file a written complaint with the superintendent.
- c. The superintendent shall issue a decision within 10 school days.
- d. If the superintendent does not issue a decision within 10 days, or if the parent or the unaccompanied homeless student is dissatisfied with the decision, the parent or the unaccompanied homeless student may appeal the decision to the superintendent, in writing.
- e. During the dispute resolution process, including any appeals, the student shall remain enrolled in the school system and shall be provided transportation by the school system.

Legal Ref: 42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act (2002)  
History: New Regulation, Adopted 11.01.05; Revised 11.11.09



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*Associate Superintendent for Instruction*

11.11.09

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*Date*