

# Policies for Review - 1<sup>st</sup> Reading

January 6, 2020

JFA - Admissions Procedure

JFABD - Admission of Homeless Children and Unaccompanied Youth

*Current GSD policy. Suggest replacing with NHSBA sample policy.*

*12-10-2019 Policy Committee*

*1-6-2020 School Board – 1<sup>st</sup> reading*

## **ADMISSIONS PROCEDURES**

The school district of residence of a student is defined by RSA 193:12, II.

Upon registering a child for entrance into the Gilford schools, the parent/custodian registering the child will be asked to provide the school with the child's birth certificate, a copy which will be placed in the child's permanent record file.

If, at the time of registration, the child's name is different from that which appears on the birth certificate, then, the parent/custodian will be responsible for providing documentation to verify the change of name. A copy of this documentation will be placed in the child's permanent record file.

In the event a parent/custodian is unable to present a birth certificate, the selection of alternate form of documentation will be left to the discretion of the Superintendent of Schools.

### **Legal References:**

*RSA 193:1, Duty of Parent, Compulsory Attendance by Pupil*

*RSA 193:12,II, Legal Residence Required*

*Appendix JFA-R, Technical Advisory*

**(Adopted: 12/08/92)**

**(Revised: 8/20/2012, 12/2/2013)**

**(Ref. 5231)**

*NHSBA sample policy – suggest replacing current GSD policy with this sample  
12-10-2019 Policy Committee  
1-6-2020 School Board – 1<sup>st</sup> reading*

## **JFA - ADMISSION OF RESIDENT STUDENTS**

(Download policy)

*Category: Recommended*

The school district of residence of a student is defined by RSA 193:12, II.

### **New Resident Students**

All new resident students, accompanied by a parent/guardian, should register at school before opening day and/or as early as possible.

Children entering school for the first time must have proof of physical examination, immunization records, a copy of the child's birth certificate and proof of residency satisfactory to the Superintendent or his/her designee. Principals or their designees will meet with new children and parents to explain school programs.

**NHSBA Note, September 2014:** Only change is to the Legal References, with the addition of RSA 110-D. Content of policy has not changed. RSA 110-D contains various provisions and obligations school districts must follow when children of military families enroll in the school district.

**NHSBA Note, September 2008:** NHSBA previously categorized this policy as Mandatory/Required by Law, Category: Priority/Required by Law. Upon further research, this policy is not required by law. NHSBA urges its members to keep this policy in place.

### **Legal References:**

*RSA 193:1, Duty of Parent, Compulsory Attendance by Pupil*

*RSA 193:12,II Legal Residence Required*

*RSA 110-D, Interstate Compact on Educational Opportunities for Military Children*

Revised: September 2014

Revised: July 1998, November 1999, June 2001, September 2008

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## **ADMISSION OF HOMELESS STUDENTS**

The District will work with homeless students and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided district services for which they are eligible, including Head Start and comparable pre-school programs, Title I, similar state programs, special education, bilingual education, vocational and technical education programs, gifted and talented programs and school nutrition programs.

Per the No Child Left Behind Act of 2002, homeless students are defined as those students lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing or economic hardship;
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. Abandoned in hospitals;
5. Awaiting foster care placement;
6. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings;
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
8. Migratory children living in conditions described in previous examples.

The Superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families.

To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in which attendance area the student is actually living, or other schools.

If there is an enrollment dispute between the child's parent/guardian and the school district, the student shall immediately be enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent/guardian shall be informed in writing of the district's final decision and the parent/guardian's appeal rights. Unaccompanied youth will also be enrolled pending resolution of a dispute.

Once the enrollment decision is made, the school shall immediately enroll the student, pursuant

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to district policies. If the student does not have immediate access to immunization records, the student shall be admitted under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Records from the student's previous school shall be requested from the previous school pursuant to district policies. Emergency contact information is required at the time of enrollment, consistent with district policies.

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If a homeless student is living in another district but will attend his or her school of origin, both districts will make reasonable efforts to coordinate the transportation services necessary for the student.

The district's liaison for homeless students and their families shall coordinate with: local social service agencies that provide services to homeless children 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 recommend to the district policies that may eliminate barriers to the enrollment of homeless students.

**Legal References:**

*NH Code of Administrative Rules, Section Ed 306.04(a)(17), Homeless Students  
RSA 193:12, Legal Residence Required  
No Child Left Behind Act, 2002  
McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, et seq.*

(Adopted: 8/2/2004)  
(Revised: 12-3-2012)

Category: *Priority/Required by Law*

Related Policies: *EEA, JFA, JFAA, & JFABE*

**ADOPTION NOTES –**

***This text box, and all highlights within the policy should be removed prior to adoption.***

- (a) *This policy has been revised substantially, with the aim to reflect changes to the McKinney-Vento Act, most specifically the removal of children “awaiting foster care” from the definition of homeless, (see new policy JBABE) and requirements regarding transportation of homeless students. The revisions to JFABD, also includes clarification of an LEA’s responsibilities and limitations when dealing with disputes and decision making with respect to enrollment or transportation of homeless students.*
- (b) **{\*\*}** *indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
- (c) *As with all sample policies, NHSBA recommends that each district carefully review this sample policy prior to adoption to assure suitability with the district’s own specific circumstances, organizational structures, etc., and current policies. Highlighted language or blank, underscored spaces indicate areas which Boards must change/complete to reflect local personnel titles, policy references, duty assignments etc.*
- (d) *Withdrawn and earlier versions of revised policies should be maintained separately as permanent records of the District. Some districts maintain a “Repealed/Revised” section within their manuals.*

It is the Board's intent to remove barriers to the identification, enrollment and retention in schools of homeless children and youth. All staff shall take reasonable steps to ensure that homeless students and children are not segregated or stigmatized and that educational decisions are made in the best interests of those students.

**A. Homeless Students.**

Under the federal McKinney-Vento Homeless Assistance Act (“McKinney-Vento”), and guidance provided by the New Hampshire Department of Education (“NHDOE”), the term “homeless children and youths” means “individuals who lack a fixed, regular and adequate nighttime residence.” Under both section 752(2) of McKinney-Vento and the NHDOE guidance\*, the term includes children and youth who are:

1. sharing the housing of other persons due to loss of housing, 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. abandoned in hospitals;
5. 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;
6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
7. are migratory children who qualify as homeless because they are living in circumstances described above.

Additionally, as used in this policy, the terms “unaccompanied youth,” “school of origin,” “enrollment,” and “attendance area school” shall have the same meanings as set forth in the McKinney-Vento Homeless Assistance Act (“McKinney-Vento”) and guidance provided by the New Hampshire Department of Education (“NHDOE”). For purposes of this policy and its accompanying regulation, “homeless students” shall refer to and include “homeless children and youth” and “unaccompanied youth.”

\*Note: under RSA 193:12, IV, the definition of “homeless children and youth” also includes children “awaiting foster care placement”, see RSA 193:12, IV (a). That criterion, however, was removed from McKinney-Vento in 2015 as well as NHDOE guidance documents regarding McKinney-Vento. Under both McKinney-Vento, and NHDOE guidance, children who are awaiting foster care may fall within the definition of a homeless student if they meet other criteria as set forth above. See also Policy **{\*\*}JFABE.**

Each homeless student 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 career and technical education programs, gifted education programs, and school nutrition programs. Transportation services for homeless students shall be provided in accordance with applicable law and as generally described below.

#### **B. Enrollment and School Stability.**

Enrollment of a homeless student shall be immediate even if the homeless student lacks records routinely required prior to enrollment or has missed application or enrollment deadlines (academic, immunization, etc.). The District shall make arrangements to obtain any necessary records and to have the student receive any necessary immunizations. When feasible, the District shall seek immunization through no- or low-cost health care providers. If an expense is incurred, the District shall seek reimbursement through Medicaid if possible.

If a homeless student becomes permanently housed during the school year, the student shall no longer be considered homeless and may only continue enrollment in the District for the remainder of that school year.

#### **C. Homeless Liaison.**

The Superintendent shall appoint a staff member to serve as the local liaison for homeless students and their families/guardians (the “Homeless Liaison” or the “District Homeless Liaison”). The District shall provide training and other technical assistance to Homeless Liaison and other appropriate District staff regarding the District’s obligations to homeless students. Duties of the District Homeless Liaison shall be as provided in state and federal law, as well as local policies and procedures. The duties shall include, among others: procedures for identification, enrollment, transportation, dispute resolution for homeless students, as well as direct assistance shall be made in accordance with the accompanying regulation and applicable law.

Among other things, the District Homeless Liaison shall:

- a) assist in requesting the student’s records;
- b) mediate and assist with disputes concerning school enrollment and homelessness determinations;
- c) assist in making transportation arrangements;
- d) ensure that homeless students receive the educational services for which they are eligible or entitled;
- e) coordinate with other Districts, entities, institutions and agencies to help assure that homeless children and youths are identified by school personnel;
- f) ensure that unaccompanied youth and/or parents of homeless students are informed of the educational and related opportunities available to homeless students;
- g) work to assure that parents/guardians of such students are provided with opportunities to participate in the education of their children (excepting instances when court or other protective orders indicate otherwise);
- h) ensure that unaccompanied youth and/or parents of homeless students are informed of all transportation services including transportation to the school of origin;
- i) assure that notice is publicly disseminated of the educational rights of homeless children and youths;
- j) coordinate with other Districts and with local social services agencies and other agencies or programs providing services to homeless students as needed;
- k) assist any unaccompanied youth with enrollment, credit accrual, and career and college readiness decisions;
- l) work with the Superintendent or designee to monitor regulations and guidance related to this policy that may be issued by applicable state and federal agencies (e.g., DCYF, NHDOE, and the U.S. Department of Education).

**D. Enrollment Determinations for Homeless Students.**

Enrollment determinations shall be based upon the best interests of the homeless student, with the presumption that keeping the homeless student in the school of origin is in the homeless



student's best interests, except when doing so is contrary to the request of the parent/guardian, or if applicable, unaccompanied youth.

**E. Transportation of Homeless Students.**

Under McKinney-Vento, homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the homeless student is located outside of District boundaries but a determination has been made that the student shall remain in the school of origin within the District, or, if a homeless student is located within this District, but a determination had been made that the student shall remain in the school of origin outside of the District, then the two Districts shall agree on a method to apportion cost and responsibility for the student's transportation or share the cost and responsibility equally.

**F. Dispute Resolution.**

For any decision in the enrollment process of a homeless student, including any determination whether a living situation meets the definition of homeless, if the decision is in conflict with the wishes of the homeless student's parent/guardian, or, if applicable, the unaccompanied youth, the District shall provide a written explanation, in a manner and form understandable to the student's parent, guardian or unaccompanied youth. District personnel receiving enrollment requests or information pertaining to homeless students should immediately refer those request to the District Homeless Liaison and Superintendent's office.

In the event of a dispute, the District shall immediately enroll the student in the school in which the parent/guardian or unaccompanied youth seeks to enroll, which enrollment shall continue pending resolution of the dispute. Additionally, while enrollment disputes are pending, students have the right to participate fully in school and receive all services for which they would be eligible, as the definition of enrollment includes "attending classes and participating fully in school activities."

**1. Notification of Appeal Process.**

If the District seeks to place a homeless child in a school other than the school of origin or the school requested by the parent, or the District has determined that the living situation does not qualify as homeless ("eligibility decision"), the District shall inform the parent or the unaccompanied youth of the right to appeal. The District shall provide the parent or unaccompanied youth with written notice including:

- a. A succinct explanation of the child's placement/eligibility decision and contact information for the District Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth;
- b. Notification of the parent's right to appeal(s);
- c. Notification of the right to enroll in the school of choice pending resolution of the dispute;

- d. A description of the dispute resolution process including a petition/appeal form that can be returned to the school to initiate the process and timelines; and
- e. A summary of the McKinney-Vento Act.

While the Superintendent or Homeless Liaison may prepare and make available forms for the process, use of such forms is not required to initiate the appeal process.

## **2. Appeal to the District Homeless Liaison – Level I.**

- a. If the parent or unaccompanied youth disagrees with the District’s placement decision, he/she/they may appeal by filing a written request for dispute resolution/appeal (“appeal”) with the school, the District Homeless Liaison, or Superintendent. The request for dispute resolution should be submitted within fifteen business days of receiving notification of the District’s placement.
- b. If the appeal/request for dispute resolution is submitted to the school or Superintendent, it will be immediately forwarded to the Homeless Liaison.
- c. The District Homeless Liaison must log the complaint including a brief description of the situation and reason for the dispute and the date and time of the appeal was filed. Upon receipt, the District Homeless Liaison will forward a copy of the appeal document to the Superintendent.
- d. Within five business days of the receiving the appeal, the Homeless Liaison must provide the parent or unaccompanied youth with a written decision and notification of the parent’s right to further appeal, with a copy to the Superintendent. At this time, the Homeless Liaison will also provide to the parent or unaccompanied youth an “appeals package” consisting of a copy of the written decision, a copy of the original appeal document, and copies of any additional materials provided to the Homeless Liaison by the parent or unaccompanied youth.

## **3. Appeal to the Superintendent – Level II.**

The parent or unaccompanied youth may appeal the Level I decision to the Superintendent or the Superintendent’s designee, using the appeals package provided at Level I.

- a. The Superintendent/designee will arrange for a personal conference to be held with the parent or unaccompanied youth within five business days of receiving the Level I appeals package. (Upon the request of the parent or unaccompanied youth, this conference may be held telephonically).
- b. Within five business days of the conference with the parent or unaccompanied youth, the Superintendent/designee will provide that individual with a written decision with supporting evidence and notification of their right to appeal to NHDOE.

NHSBA sample policy. Suggest replacing current GSD policy with this sample.

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- c. The Superintendent/designee shall provide a copy of the Superintendent’s decision to the District’s Homeless Liaison, as well as the NHDOE State Coordinator for Education of Homeless Children and Youth.

## **G. Records.**

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.

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### **District Policy History:**

First reading: \_\_\_\_\_

Second reading/adopted: \_\_\_\_\_

### ***District revision history:***

### **Legal References:**

20 U.S.C. 1232g (Family Educational Rights and Privacy Act – “FERPA”)

20 U.S.C. 1701-1758 (Equal Educational Opportunities Act of 1974 – “EEOA”)

20 U.S.C. 6313(c)(3) (reservation of Title I funding for homeless children and youths)

42 U.S.C. §11431 and §11432 (McKinney-Vento Homeless Assistance Act – Education for Homeless Children and Youth)

*Plyler v. Doe*, 457 U.S. 202 (1982)

RSA 193:12, *Legal Residence Required*

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

***Legal References Disclaimer:*** *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

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***When adopting this sample or variation of the same, a District should not include the NHSBA history or NHSBA policy notes. The District should, to the extent possible, include its own adoption/revision history.***

**NHSBA history:** REVISED – July 2019, May 2018, May 2008, February 2005

**NHSBA note, July 2019:** NHSBA substantially revised sample policy JFABD with the aim to reflect changes to the McKinney-Vento Act, most specifically the removal of children “awaiting foster care” from the definition of homeless, (see new policy JBABE) and requirements regarding transportation of homeless students. The revisions to JFABD, also include clarification of an LEA’s responsibilities and limitations when dealing with disputes and decision making with respect to enrollment or transportation of homeless students.

w/p-update/2019 Spring/ JFABD Homeless Students 2019-7 (d5)

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*12-10-2019 Policy Committee*

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