

Homeless Children and Youth

In accordance with federal law, the Board of Education does not permit discrimination against, segregation of, or stigmatization of, homeless children and youth. The following sets forth the procedures to implement the requirements of law with respect to homeless children and youth. In the event of a conflict between federal and/or state law and these regulations with respect to homeless children and youth, the provisions of law shall control.

I. Definitions

- A. "Enroll and Enrollment" includes attending classes and participating fully in school activities.
- B. "Homeless Children and Youth" means children and youth twenty-one (21) years of age and younger who lack a fixed, regular, and adequate nighttime residence, including children and youth who:
 - 1. Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
 - 2. Are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations.
 - 3. Are living in emergency or transitional shelters.
 - 4. Are 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. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
 - 7. Are migratory children living in the above-described circumstances.
- C. "School of Origin" means the school that a homeless child or youth attended when permanently housed or the school in which the homeless child was last enrolled. School of origin may include preschool administered by the District and, when a homeless child or youth completes the final grade level served by the school of origin, school of origin also includes the designated receiving school at the next grade level for all feeder schools.
- D. "Unaccompanied Youth" means a youth, not in the physical custody of a parent or guardian.

II. Homeless Liaison

- A. The District's Homeless Liaison is the school Guidance Counselor.
- B. The duties of the Homeless Liaison include:
 - 1. Ensuring that homeless children and youth are identified by school personnel and through outreach and coordination with other entities and agencies.
 - 2. Ensuring that homeless children and youth enroll in, and have full and equal opportunity to succeed in, the District's schools, including ensuring that such homeless children and youth have opportunities to meet the same challenging state academic standards as other children and youths.

STUDENTS

Regulation 5118.1(b)

3. Ensuring that homeless families, children, and youths receive educational services for which such families, children, and youth are eligible, including services through Head Start and Even Start, early intervention services under Part C of the Individuals with Disabilities Education Act and preschool programs administered by the District.
4. Ensuring that parents and guardians of homeless children and youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.
5. Ensuring that parents and guardians of homeless children and youth are informed of educational and related opportunities available to their children, including extracurricular activities, and are provided with meaningful opportunities to participate in the education of their children.
6. Ensuring that public notice of the educational rights of homeless children under the McKinney-Vento Act is disseminated in locations frequented by parents, guardians, and unaccompanied youth in a manner and form that is understandable to them.
7. Ensuring that enrollment disputes are mediated in accordance with the McKinney-Vento Act, including carrying out the initial dispute resolution process and ensuring that homeless students are immediately enrolled pending resolution of any enrollment dispute.
8. Ensuring that a parent/guardian of homeless children and youth or unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing those services.
9. Assisting homeless children and youth in enrolling in school and accessing school services and removing barriers to enrollment and retention due to outstanding fees, fines or absences.
10. Informing a parent/guardian of homeless children and youth, school personnel, and others of the rights of such children and youth.
11. Assisting homeless children and youth who do not have immunizations or immunization/medical records to obtain necessary immunizations or immunization/medical records.
12. Assisting unaccompanied youth in placement/enrollment decisions, including considering the youth's wishes in those decisions, and providing notice to the youth of his or her right to appeal such decisions.
13. Ensuring collaboration with community and school personnel responsible for providing education and related support services to homeless children and youth.
14. Collaborating with and participating in professional development and technical assistance activities offered by the State Office of the Coordinator for the Education of Homeless Children and Youth.
15. Ensuring that school personnel providing services to homeless children and youths receive professional development and other technical assistance activities regarding the McKinney-Vento Act.

16. Ensuring that unaccompanied youth are enrolled in school and that procedures are implemented to identify and remove barriers that prevent them from receiving credit for full or partial coursework satisfactorily completed at a prior school, in accordance with state, local, and school policies.
17. With appropriate training, affirming that a child or youth who is eligible for and participating in a program provided by the District, or the immediate family of such a child or youth, is eligible for homeless assistance programs administered Title IV of the McKinney-Vento Act.

III. Enrollment of Homeless Children and Youth

- A. Enrollment of homeless children and youth may not be denied or delayed due to the lack of any document normally required for enrollment. However, administrators shall require a parent/guardian to provide contact information prior to enrollment.
- B. To facilitate enrollment administrators:
 1. May permit a parent/guardian of homeless children and youth to sign affidavits of residency to replace typical proof of residency.
 2. May permit unaccompanied youth to enroll with affidavits to replace typical proof of guardianship.
 3. Shall refer a parent/guardian/unaccompanied youth to the Liaison who will assist in obtaining immunizations.
 4. Shall contact previous schools for records and assistance with placement decisions.
 5. Shall maintain records so that the records are available in a timely fashion when the student enters a new school or school district.

IV. School Selection

- A. Standards for School Selection:
 1. The District is required to make a determination as to the best interests of a homeless child or youth in making a determination as to the appropriate school of placement.
 2. In making such a determination, the District is required to keep a homeless child or youth in his/her school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; or for the remainder of the academic year if the child or youth becomes permanently housed during an academic year, to the extent feasible, unless it is against the wishes of the parent or guardian. Otherwise, the homeless child or youth shall be enrolled in a public school that non-homeless students who live in the area where the child or youth is actually living are eligible to attend.
 3. The District must presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest unless doing so is contrary to the request of the child's or youth's parent or guardian or in the case of an unaccompanied youth, the youth. In considering the child's or youth's best interest, the District must consider student-centered factors related to the child's or youth's best interest, giving priority to the request of the parent or guardian or unaccompanied youth.

- B. Procedures for Review of School Selection Recommendation:
1. The school administration in which enrollment is sought review an enrollment request in accordance with the standards discussed above and shall make an initial recommendation regarding same. If the school administration recommendation is to select a placement other than the school desired by the parent/guardian of the homeless child or youth or the unaccompanied youth, then the school administration shall refer the matter to the Superintendent or his/her designee for review of the recommendation and the reasons therefore, and shall notify the District's Homeless Liaison of same.
 2. The Superintendent or his/her designee shall review the matter and consult with the District Homeless Liaison concerning same. If the Superintendent or his/her designee agrees with the recommendation of the school administration and a dispute remains between the District and the parent/guardian of a homeless child or youth or an unaccompanied youth about a school selection and/or enrollment decision; the Superintendent or his/her designee shall provide the parent/guardian of a homeless child or youth or an unaccompanied youth with a written explanation of the District's decision regarding this matter, and the right to appeal such decision to the Board of Education.
- C. Dispute Resolution Process:
1. The District's Homeless Liaison shall be responsible for promoting objective and expeditious dispute resolutions, and adherence to these administrative regulations.
 2. If the parent/guardian of a homeless child or youth or an unaccompanied youth disputes the school placement decision or enrollment, the District must immediately enroll the homeless child or youth in the school in which enrollment is sought, pending resolution of the dispute. The homeless child or youth shall also have the right to all appropriate educational services, including transportation to and from the school in which enrollment is sought, while the dispute is pending.
 3. If necessary, the District Homeless Liaison shall assist parent/guardian of a homeless child or youth or an unaccompanied youth with completion of the necessary appeal paperwork required to file for an appeal to the Board of Education, and provide the parent/guardian of a homeless child or youth or an unaccompanied youth with a copy of C.G. S. Section 10-186(b).
 4. Within ten (10) days of receipt of an appeal to the Board of Education by a parent/guardian of a homeless child or youth or an unaccompanied youth, the District shall hold a hearing before the Board of Education concerning such appeal, and such hearing shall be conducted in accordance with C.G.S. Section 10-186(b).
 5. If the Board of Education finds in favor of the Superintendent or his/her designee, a parent/guardian of a homeless child or youth or unaccompanied youth may appeal the Board of Education's decision to the State Board of Education within twenty (20) days of receipt of the Board of Education's written decision, in accordance with Section 10-186(b). If necessary, the District Homeless Liaison shall assist a parent/guardian of a homeless child or youth or unaccompanied youth with filing the necessary appeal paperwork to the State Board of Education. The homeless child or youth or unaccompanied youth shall remain in his or her school of origin pending resolution of the dispute, including all available appeals.

V. Services:

- A. Homeless children and youth shall be provided with services comparable to those offered other students in the selected school including:
 - 1. Title I services or similar state or local programs, educational programs for students with disabilities, programs for students with limited English proficiency, and preschool programs.
 - 2. Transportation services.
 - 3. Vocational and technical education.
 - 4. Programs for gifted and talented students.
 - 5. School nutrition programs.
 - 6. Before and after school programs.
- B. The District shall coordinate with local social service agencies, other service providers, housing assistance providers and other school districts to ensure that homeless children and youth have access and reasonable proximity to available education and support services.

VI. Transportation:

- A. The District shall provide transportation comparable to that available to other students.
- B. Transportation shall be provided, at a parent/guardian request, to and from the school of origin for a homeless child or youth. Transportation shall be provided for the entire time the child or youth is homeless and until the end of any academic year in which they move into permanent housing. Transportation to the school of origin shall also be provided during pending disputes. The Liaison shall request transportation to and from the school of origin for an unaccompanied youth. A parent/guardian and unaccompanied youth shall be informed of this right to transportation before they select a school for attendance.
- C. To comply with these requirements:
 - 1. Parents/guardians, schools, and liaisons shall use the district transportation form to process transportation requests.
 - 2. If the homeless child or youth is living and attending school in this District, the District shall arrange transportation.
 - 3. If the homeless child or youth is living in this District but attending school in another, or attending school in this District and living in another, the District will follow the inter-district transportation agreement to determine the responsibility and costs for such transportation. If there is no inter-district transportation agreement, the District shall confer with the other school district's Homeless Liaison to determine an apportionment of the responsibility and costs.

STUDENTS

Regulation 5118.1(f)

4. If no mutually agreeable arrangement can be reached, then the District shall:
 - a. arrange transportation immediately;
 - b. bring the matter to the attention of the State Coordinator for the Education of Homeless Children and Youth; and
 - c. ensure that such disputes do not interfere with the homeless child or youth attending school.

VII. Records

An unaccompanied youth, as defined in I.D. above, is entitled to knowledge of and access to all educational, medical, or similar records in the cumulative record of such unaccompanied youth maintained by the District.

VIII. Contact Information

- A. For further information, contact:

Bethany Community School
Guidance Counselor
(203) 393-1170 x610

- B. For further information or technical assistance, contact:

State Coordinator
Connecticut Department of Education
25 Industrial Park Road
Middletown, CT 06457-1543
(860) 807-2058

Legal References: Connecticut General Statutes §10-253(e)
Public Act 17-194
The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §11431 et seq, as amended by Every Student Succeeds Act, Pub.L. 114-95.

Regulation approved: September 9, 1991
Regulation revised: May 13, 2015
Regulation revised: October 6, 2016
Regulation revised: December 14, 2017

Dispute Resolution Process Under Connecticut General Statutes Section 10-186

- A. If any Board of Education denies such accommodations, the parent/guardian of any child who is denied schooling, or an emancipated minor or an agent or officer charged with the enforcement of the laws concerning attendance at school, may, in writing request a hearing by the Board of Education. The Board of Education may:
1. conduct the hearing,
 2. designate a subcommittee of the Board composed of three (3) Board members to conduct the hearing, or
 3. establish a local impartial hearing Board of one (1) or more persons not members of the Board of Education to conduct the hearing.

The Board, subcommittee or local impartial hearing board shall give such person a hearing within ten (10) days after receipt of the written request, make a stenographic record or tape recording of the hearing and make a finding within ten (10) days after the hearing. Hearings shall be conducted in accordance with the provisions of Sections 4-176e to 4-180a, inclusive, and Section 4-181a. Any child, emancipated minor eighteen years or older who is denied accommodations on the basis of residency may continue in attendance in the school district at the request of the parent or guardian of such child or emancipated minor or pupil eighteen years of age or older, pending a hearing pursuant to this subdivision. The party claiming ineligibility for school accommodations shall have the burden of proving such ineligibility by a preponderance of the evidence, except in cases of denial of schooling based on residency, the party denied schooling shall have the burden of proving residency by a preponderance of the evidence.

- B. Any such parent, guardian, emancipated minor, or agent or officer, aggrieved by the finding shall, upon request, be provided with a transcript of the hearing within thirty (30) days after such request and may take an appeal from the finding to the State Board of Education. A copy of each notice of appeal shall be filed simultaneously with the Board of Education and the State Board of Education. Any child, emancipated minor who is denied accommodations by a Board of Education as the result of a determination by such Board, or a subcommittee of the Board or local impartial hearing board, that the child is not a resident of the school district and therefore is not entitled to school accommodations in the district may continue in attendance in the school district at the request of the parent/guardian of such child or such minor or pupil, pending a determination of such appeal. If an appeal is not taken to the State Board of Education within twenty (20) days of the mailing of the finding to the aggrieved party, the decision of the Board, subcommittee or local impartial hearing board shall be final. The Board of Education shall, within ten (10) days after receipt of notice of an appeal, forward the record of the hearing to the State Board of Education. The State Board of Education shall, upon receipt of a written request for a hearing made in accordance with the provisions of this subsection, establish an impartial hearing board of one or more persons to hold a public hearing in the local school District in which the cause of the complaint arises. Members of the hearing board may be employees of the State Department of Education or may be qualified persons from outside the department. No member of the Board of Education under review nor any employee of such Board of Education shall be a member of the hearing board. Members of the hearing board, other than those employed by the State of Connecticut, shall be paid reasonable fees and expenses as

APPENDIX A – 5118.1(h)

established by the State Board of Education within the limits of available appropriations. Such hearing board may examine witnesses and shall maintain a verbatim record of all formal sessions of the hearing. Either party to the hearing may request that the hearing board join all interested parties to the hearing, or the hearing board may join any interested party on its own motion. The hearing board shall have no authority to make a determination of the rights and responsibilities of a Board of Education if such Board is not a party to the hearing. The hearing board may render a determination of actual residence of any child, emancipated minor where residency is at issue.

- C. The hearing board shall render its decision within forty-five (45) days after receipt of the notice of appeal except that an extension may be granted by the Commissioner of Education upon an application by a party or the hearing board describing circumstances related to the hearing which requires an extension.

- D. If, after the hearing, the hearing board finds that any child is illegally or unreasonably denied schooling, the hearing board shall order the Board of Education under whose jurisdiction it has been found such child should be attending school to make arrangements to enable the child to attend public school. Except in the case of a residency determination, the finding of the local Board of Education, subcommittee of such Board or a local impartial hearing board shall be upheld unless it is determined by the hearing board that the finding was arbitrary, capricious or unreasonable. If such school officers fail to take action upon such order in any case in which such child is currently denied schooling and no suitable provision is made for such child within fifteen (15) days after receipt of the order and in all other cases, within thirty (30) days after receipt of the order, there shall be a forfeiture of the money appropriated by the state for the support of schools amounting to fifty (50) dollars for each child for each day such child is denied schooling. If the hearing board makes a determination that the child was not a resident of the school District and therefore not entitled to school accommodations from such District, the Board of Education may assess tuition against the parent/guardian of the child or the emancipated minor based on the following: One one-hundred-eightieth of the town's net current local educational expenditure, as defined in Section 10-261, per pupil multiplied by the number of days of school attendance of the child in the District while not entitled to school accommodations provided by that District. The local Board of Education may seek to recover the amount of the assessment through available civil remedies.

I declare under penalty of perjury under the laws of Connecticut that the information provided is true and correct and of my own personal knowledge. I understand that giving false or otherwise untrue information or otherwise untrue information on this form could result in a criminal charge of perjury being brought against me.

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this _____ day of _____, 2_____.

NOTARY PUBLIC

Form Regulation 5118.1 – Revised October 6, 2016

Affidavit for Missing Enrollment Documentation

I, _____, being duly sworn upon oath and based on my personal knowledge hereby state and affirm the following information regarding _____ (name of student) missing enrollment documentation for the following:

- | | |
|--|---|
| <input type="checkbox"/> Proof of Residency | <input type="checkbox"/> Immunization Record |
| <input type="checkbox"/> Proof of Guardianship | <input type="checkbox"/> School Health Record |
| <input type="checkbox"/> Proof of Identity | <input type="checkbox"/> School Records |
| <input type="checkbox"/> Birth Certificate | |

I am of legal age and believe in the obligations of an oath.

I am unable to present a copy of the document(s) requested above for the following reasons:

The name and location of the last school the student attended is:

I understand that I must obtain the necessary immunization and health records and provide a copy to the District. I understand that the Homeless Liaison is available to assist me in obtaining any such immunization or health records. The Homeless Liaison is the _____ and can be reached at _____.

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this _____ day of _____, 2_____.

NOTARY PUBLIC