

## Instruction

### Administrative Procedure - Education of Homeless Children

Actor	Action
School Board  <b>Preliminary Step</b>	Upon recommendation of the Superintendent, determines whether to expend transportation funds to provide financial homeless prevention assistance to the parents/guardians (or persons who enroll students) of children who are homeless or <i>at risk of becoming homeless</i> , in accordance with the provisions of 105 ILCS 5/29-5 (amended by P.A. 102-539); 105 ILCS 45/1-17. See duties of the Liaison for Homeless Children below for specific eligibility requirements.
Superintendent  <b>Preliminary Steps</b>	<p>Serves as or designates an appropriate staff person, who may also be a coordinator for other federal programs, to serve as a Liaison for Homeless Children. 42 U.S.C. §11432(g)(1)(J)(ii).</p> <p>Under the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11434a(2)), <i>homeless children and youths</i> means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of 42 U.S.C. §11302(a)(1)). The term includes:</p> <ol style="list-style-type: none"> <li>1. Children and youths 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 the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;             <ul style="list-style-type: none"> <li><b>Note:</b> 42 U.S.C. §11434a(2) no longer includes children “awaiting foster care placement” within the definition of <i>homeless children and youths</i>.</li> </ul> </li> <li>2. Children and youths 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 (within the meaning of 42 U.S.C. §11302(a)(2)(C));</li> <li>3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and</li> <li>4. Migratory children (as such term is defined in 20 U.S.C. §6399) who qualify as homeless for purposes of this part because their living situations are covered by (1), (2), or (3) above.</li> </ol> <p>Under the Education for Homeless Children Act, 105 ILCS 45/1-5, <i>homeless person, child, or youth</i> includes, but is not limited to, any of the following:</p> <ol style="list-style-type: none"> <li>1. An individual who lacks a fixed, regular, and adequate nighttime place of abode.</li> <li>2. An individual who has a primary nighttime place of abode that is:             <ol style="list-style-type: none"> <li>a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);</li> <li>b. An institution that provides a temporary residence for individuals intended to be institutionalized; or</li> <li>c. A public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.</li> </ol> </li> </ol>

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<p>Liaison for Homeless Children</p> <p><b>Duties</b></p>	<p>Reviews and uses the information provided at: <a href="http://www.isbe.net/Pages/Homeless.aspx">www.isbe.net/Pages/Homeless.aspx</a> to become aware of the resources and training materials provided by the Ill. State Board of Education (ISBE) regarding the education of homeless children. For information about federal requirements and technical assistance from the National Center for Homeless Education, funded by the U.S. Dept. of Education, see <a href="https://nche.ed.gov/legislation/mckinney-vento/">https://nche.ed.gov/legislation/mckinney-vento/</a>.</p> <p>Ensures that homeless children and youths are identified by school personnel and through coordinated activities with other entities and agencies. 42 U.S.C. §11432(g)(6)(A)(i).</p> <p>Ensures that homeless children and youths enroll in, and have a full and equal opportunity to succeed in, District programs. 42 U.S.C. §11432(g)(6)(A)(ii).</p> <p>Ensures that homeless families, children, and youths have access to and receive educational services for which they are eligible, and make referrals to health care, dental, mental health and substance abuse, housing, and other appropriate services. 42 U.S.C. §11432(g)(6)(A)(iii)-(iv).</p> <p>Informs parents/guardians of educational and related opportunities available to their children, and provide them with meaningful opportunities to participate in their children’s education. 42 U.S.C. §11432(g)(6)(A)(v).</p> <p>Disseminates public notice of the educational rights of homeless children and youths in locations where they receive services (such as schools, shelters, public libraries, and soup kitchens). 42 U.S.C. §11432(g)(6)(A)(vi).</p> <p>Mediates enrollment disputes to:</p> <ol style="list-style-type: none"> <li>1. Ensure the child/youth is immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute;</li> <li>2. Provide the homeless child/youth’s parent/guardian with a written explanation of the school's decision regarding school selection or enrollment, including their rights to appeal the decision;</li> <li>3. Complete the dispute resolution process as expeditiously as possible; and</li> <li>4. In the case of an unaccompanied youth, ensure that the youth is immediately enrolled in school pending resolution of the dispute.</li> </ol> <p>42 U.S.C. §11432(g)(3)(E)(i)-(iv) and 42 U.S.C. §11432(g)(6)(A)(vii).</p>
<p>Liaison for Homeless Children, cont'd</p> <p><b>Duties</b></p>	<p>Fully informs the parent/guardian of a homeless child/youth, and any unaccompanied youth, of all transportation services and assist in accessing transportation services. 42 U.S.C. §11432(g)(6)(A)(viii). Convene a meeting with the parent/guardian and teacher of the child if the travel time to a homeless child’s school of origin is longer than one hour each way, or if the travel time is shorter, but the District wishes to evaluate whether such travel is in the best interest of the child’s development and education. 105 ILCS 45/1-15.</p> <p>Assists unaccompanied youth in placement/enrollment decisions, consider the youth’s wishes in those decisions, and provide notice to the youth of the right to appeal such decisions. 42 U.S.C. §11432(g)(3)(B)(iv).</p> <p>Assists children/youths who do not have immunizations or medical records in obtaining necessary immunizations and/or medical records. 42 U.S.C. §11432(g)(3)(C)(iii).</p> <p>If needed, verifies children’s homeless status so they may obtain free copies of their birth certificates, in accordance with procedures established by the State Registrar of Vital Records. 410 ILCS 535/25.3, amended by P.A. 102-1141.</p>

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<p>Liaison for Homeless Children, cont'd</p> <p><b>Duties</b></p>	<p>Collaborates with State and local social service agencies that provide services to the homeless as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths. 42 U.S.C. §11432(g)(5)(A) and (g)(6)(C).</p> <p>Conducts a hardship review whenever a child and his or her parent/guardian who initially share the housing of another person due to loss of housing, economic hardship, or a similar hardship continue to share the housing; a hardship review should be performed after the passage of 18 months and annually thereafter. 105 ILCS 45/1-25(a-5).</p> <p>Makes a recommendation to the Superintendent regarding whether the Board should authorize financial homeless prevention assistance for families with children who are homeless or <i>at risk of being homeless</i>. 105 ILCS 5/29-5, amended by P.A. 102-539; 105 ILCS 45/1-17.</p> <p>In those cases where the parties agree it is in the best interest of the child and District to do so, prepares a written housing plan (Plan) to provide financial assistance in an amount that will allow a child who is homeless or <i>at risk of being homeless</i> to remain permanently in his/her home or obtain new housing. Financial assistance may include: (1) mortgage or rental assistance that will allow a child to remain permanently in his/her living situation or obtain a new living situation; and/or (2) assistance with unpaid bills, loans, or other financial debts that result in housing being inadequate. 105 ILCS 45/1-17(a).</p> <p>Before entering into any such Plan, verifies that all of the following requirements have been met in order for the District to claim the financial assistance against its State transportation funds:</p> <ol style="list-style-type: none"> <li>1. The District has attempted to provide financial assistance through its local homeless assistance agency that is part of the McKinney-Vento Homeless Act's continuum of care. 105 ILCS 45/1-17(b).</li> <li>2. The amount of financial assistance will not exceed the District's actual costs for providing transportation for the child. 105 ILCS 5/29-5, amended by P.A. 102-539.</li> <li>3. The District is not otherwise claiming the transportation costs in another State or federal grant. 105 ILCS 5/29-5, amended by P.A. 102-539.</li> <li>4. If the assistance is to be provided to a child <i>at risk of becoming homeless</i>, the parent/guardian, person who enrolled the child, or unaccompanied minor has provided documented evidence showing that the child's living situation will, within eight weeks, cease to be fixed, regular, and adequate and will result in the child becoming homeless. Acceptable proof includes, but is not limited to: foreclosure notice, eviction notice, utility shut-off or discontinuation notice, or written statement from the parent/guardian, person who enrolled the student, or unaccompanied minor. 105 ILCS 45/1-17(d).</li> </ol> <p>Refers the child or his/her parent/guardian to the ombudsperson appointed by the Regional Superintendent whenever a school denies a homeless child enrollment or transportation, and provides the child or his/her parent(s)/guardian(s) with a written statement of the basis for the denial. 105 ILCS 45/1-25(a).</p>
<p>Parents/guardians</p> <p><b>Assignment</b></p>	<p>Choose the child's attendance center between the following options (105 ILCS 45/1-10 controls because it exceeds the rights granted to parents/guardians in federal law):</p>

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	<ol style="list-style-type: none"> <li>1. Continuing the child’s education in the school of origin for as long as the child remains homeless or, if the child becomes permanently housed, until the end of the academic year during which the housing is acquired; or</li> <li>2. Enrolling the child in any school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.</li> </ol> <p>The term <i>school of origin</i> means the school that the child attended when permanently housed or the school in which the child was last enrolled. 42 U.S.C. §11432(g)(3)(I) and 105 ILCS 45/1-5.</p> <p>If the child is attending his/her school of origin, make a good faith effort to provide or arrange for transportation to and from the school of origin, including authorizing relatives, friends, or a program for homeless persons to provide the child with transportation.</p>
<p>Building Principal Where Homeless Student Will be Enrolled</p> <p style="text-align: center;"><b>Enrollment</b></p>	<p>Immediately enrolls the homeless child/youth, even if the child/youth is unable to produce records normally required for enrollment, e.g., previous academic records, medical records, proof of residency, or other documentation. 42 U.S.C. §11432(g)(3)(C)(i) and 105 ILCS 45/1-20.</p> <p>Immediately contacts the school last attended by the child/youth to obtain relevant academic and other records. 42 U.S.C. §11432(g)(3)(C)(ii) and 105 ILCS 45/1-20.</p> <p>If the child/youth needs to obtain immunizations, or immunization or medical records, immediately refers the child/youth’s parent/guardian to the Liaison for Homeless Children. 42 U.S.C. §11432(g)(3)(C)(iii) and 105 ILCS 45/1-20.</p> <p>Maintains records for the homeless child/youth that are ordinarily kept for students according to District policy and procedure on student school records. 42 U.S.C. §11432(g)(3)(D). See Board policy 7:340, <i>Student Records</i>, and administrative procedure 7:340-AP1, <i>School Student Records</i>.</p> <p>Ensures each homeless child/youth is provided services comparable to services offered to other students including the following (42 U.S.C. §11432(g)(4)):</p> <ol style="list-style-type: none"> <li>1. Transportation services;</li> <li>2. Educational services for which the child/youth meets the eligibility criteria, such as services provided under Title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for English learners;</li> <li>3. Programs in career and technical education;</li> <li>4. Programs for gifted and talented students; and</li> <li>5. School nutrition programs.</li> </ol> <p>Requires a parent/guardian of a homeless child/youth, if available, to submit contact information. 42 U.S.C. §11432(g)(3)(H) and 105 ILCS 45/1-20.</p>
<p>Transportation Director and Building Principal Where Homeless Student Will be Enrolled</p> <p style="text-align: center;"><b>Transportation</b></p>	<p>Ensure transportation is provided to a homeless child/youth, at the request of the parent/guardian (or in the case of an unaccompanied youth, the Liaison), to and from the school of origin. 42 U.S.C. §11432(g)(1)(J)(iii); 42 U.S.C. §11432(g)(4)(A). State law, found at 105 ILCS 45/1-15, is superseded by federal law. The term <i>school of origin</i> means the school that the student attended when permanently housed or the school in which the student was last enrolled. 42 U.S.C. §11432(g)(3)(I). Transportation shall be arranged as follows:</p> <ol style="list-style-type: none"> <li>1. If the homeless child/youth continues to live in the area served by the school district in which the school of origin is located, the child/youth’s</li> </ol>

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	<p>transportation to and from the school of origin shall be provided or arranged by the district in which the school of origin is located.</p> <p>2. If the homeless child/youth's living arrangements in the area served by the district of origin terminate and the child/youth, though continuing his or her education in the school of origin, begins living in an area served by another school district, the district of origin and the district in which the homeless child/youth is living shall agree upon a method to apportion the responsibility and costs for providing the student with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.</p> <p>42 U.S.C. §11432(g)(1)(J)(iii).</p>
<p>Liaison for Homeless Children</p> <p><b>Dispute</b></p>	<p>If a dispute arises involving any issue related to the homeless status or homelessness-related claim of a child/youth or the child/youth's parent/guardian, attempts to resolve any disagreement. 23 Ill.Admin.Code §1.241(b)(1).</p> <p><b>Note:</b> The District must structure dispute resolution as informally as possible to give a child/youth or the child/youth's parent/guardian any necessary assistance navigating the process. 23 Ill.Admin.Code §1.241(b)(2).</p> <p>Does not delay enrollment, transportation, or other services before or during dispute resolution; continues providing those services until the conclusion of the dispute resolution process (including any appeals). 23 Ill.Admin.Code §1.241(b)(3).</p>
<p>Superintendent or Designee</p> <p><b>Dispute</b></p>	<p>If a dispute is not resolved by the Liaison for Homeless Children, sends a letter to the homeless child/youth or the child/youth's parent/guardian, the Regional Superintendent (or Intermediate Service Center Executive Director), and the State Coordinator of Homeless Children and Youth (State Coordinator) indicating the District's position on the dispute and including information on (23 Ill.Admin.Code §1.241(c)):</p> <ol style="list-style-type: none"> <li>1. The availability of an ombudsperson;</li> <li>2. Sources of low-cost or free legal assistance;</li> <li>3. Other advocacy services in the community; and</li> <li>4. The dispute resolution procedure.</li> </ol> <p>The Homeless Family Placement Act governs shelter placement. 310 ILCS 85/1.</p>
<p>Regional Superintendent (or Intermediate Service Center Executive Director)</p> <p><b>Dispute</b></p>	<p>No later than 10 school days after receiving the Superintendent or Designee's dispute letter, appoints an ombudsperson to provide resource information and resolve disputes at schools within the region relating to the rights of homeless children under 105 ILCS 45/. 105 ILCS 45/1-25(a); 23 Ill.Admin.Code §1.241(d).</p>
<p>Ombudsperson</p> <p><b>Dispute</b></p>	<p>Within five school days after receiving notice of the dispute, if possible, convenes a meeting with the parties and attempts to resolve the dispute. <b>Id.</b> During dispute resolution, the ombudsperson (23 Ill.Admin.Code §1.241(d)(1)-(4)):</p> <ol style="list-style-type: none"> <li>1. Must set clear rules and timelines for the dispute resolution process and inform each party of their respective expectations;</li> <li>2. Must provide copies of documents that will be used by the other party before the meeting, if possible;</li> <li>3. Must allow: <ol style="list-style-type: none"> <li>a. A complete presentation of relevant facts by all parties; and</li> </ol> </li> </ol>

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	<p>b. Assistance for the child/youth or the child/youth's parent/guardian from a legal representative knowledgeable of federal and State laws concerning homeless students' educational rights;</p> <p>4. May:</p> <ol style="list-style-type: none"> <li>a. Require each party to make an opening statement;</li> <li>b. Limit the amount of time each party may use to present information;</li> <li>c. Pose questions to each party;</li> <li>d. Limit any redundant testimony or testimony that is not directly related to homelessness claims; or</li> <li>e. Make allowances for the child/youth or child/youth's parent/guardian, e.g., in how evidence or arguments are presented.</li> </ol> <p>No later than 10 school days after the conclusion of the dispute resolution meeting, if possible, makes a written determination using a form supplied by ISBE. The form must include all components set forth in 23 Ill.Admin.Code §1.241(d)(5)(A)-(I), including notice of the parties' right to appeal the final determination by submitting a written appeal request within five school days to the State Coordinator. 23 Ill.Admin.Code §1.241(d), (e).</p>
<p>State Coordinator <b>Dispute</b></p>	<p>After receiving a written appeal request, obtains from the ombudsperson all documents, notes, transcripts, and any other materials used by the parties to present their cases. May request additional relevant information. 23 Ill.Admin.Code §1.241(e)(1).</p> <p>No later than 15 school days after receiving a written appeal request, makes a final determination and notifies the parties of its decision. May, if necessary, extend the timeline for an additional five school days but must inform the parties of any extension. 23 Ill.Admin.Code §1.241(e)(2).</p>
<p>State Superintendent of Education or Designee <b>Dispute</b></p>	<p>If it is determined that a District's actions giving rise to a dispute are inconsistent with applicable law, may require the District to take any action necessary to comply with the law. 23 Ill.Admin.Code §1.241(f).</p> <p>If the District does not comply, places the District's recognition status on probation in accordance with 23 Ill.Admin.Code §1.20(b). <u>Id.</u></p>

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