5.40—Homeless Students

The Fayetteville School District will afford the same services and educational opportunities to homeless children as are afforded to non-homeless children. The Superintendent or his/her designee shall appoint an appropriate staff person to be the local educational liaison for homeless children and youth whose responsibilities shall include coordinating with the state educational liaison for homeless children and youth to ensure that homeless children are not stigmatized or segregated on the basis of their status as homeless and such other duties as are prescribed by law and this policy.

Notwithstanding Policy 5.1, homeless students living in the district are entitled to enroll in the district’s school that non-homeless students who live in the same attendance area are eligible to attend. If there is a question concerning the enrollment of a homeless child due to a conflict with Policy 5.1 or 5.2, the child shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute. It is the responsibility of the District’s local educational liaison for homeless children and youth to carry out the dispute resolution process.

To the extent feasible, the District shall do one of the following according to what is in the best interests of a homeless child. (For the purposes of this policy “school of origin” means the school the child attended when permanently housed or the school in which the child was last enrolled.)

1. Continue educating the child who become homeless between academic years or during an academic year in their school of origin for the duration of their homelessness;
2. Continue educating the child in his/her school of origin who become permanently housed during an academic year for the remainder of the academic year; or
3. Enroll the homeless child in the school appropriate for the attendance zone where the child lives.

If the District elects to enroll a homeless child in a school other than their school of origin and such action is against the wishes of the child’s parent or guardian, the District shall provide the parent or guardian with a written explanation of their reason for so doing which shall include a statement of the parent/guardian’s right to appeal.

In any instance where the child is unaccompanied by a parent or guardian, the District’s local educational liaison for homeless children and youth shall assist the child in determining his/her place of enrollment. The Liaison shall provide the child with a notice of his/her right to appeal the enrollment decision.

The District shall be responsible for providing transportation for a homeless child, at the request of the parent or guardian (or in the case of an unaccompanied youth, the Liaison), to and from the child’s school of origin.

For the purposes of this policy, students shall be considered homeless if they lack a fixed, regular, and adequate nighttime residence and

a) 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 care placement;
b) 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;
c) Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and includes
d) Are migratory children who are living in circumstances described in clauses (a) through (c).
Each homeless child or youth shall be provided services comparable to services offered to other students in the school who are not homeless. These services include:

a) Transportation
b) Educational services for which the child or youth meets the eligibility criteria, such as 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 students with disabilities, and educational programs for student with limited proficiency in English;

c) Programs in vocational education;
d) Programs for gifted and talented student; and
e) School meals Program.

Legal References**:

42 U.S.C. § 11431 et seq.
42 U.S.C. § 11431 (2)
42 U.S.C. § 11432 (g)(1)(H)(I)
42 U.S.C. § 11432 (g)(1)(J)(i), (ii), (iii), (iii)(I), (iii)(II)
42 U.S.C. § 11432 (g)(3)(B)(i), (ii), (iii)
42 U.S.C. § 11432 (g)(3)(C)(i), (ii), (iii)
42 U.S.C. § 11432 (g)(3)(E)(i), (ii), (iii)
42 U.S.C. § 11432 (g)(3)(G)
42 U.S.C. § 11432 (g)(4)(A)(B), (C), (D), (E)
42 U.S.C. § 11434a

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