

Policy of the Illinois State Board of Education on the Education of Homeless Children and Youth Overview

The Illinois State Board of Education (ISBE) considers the school enrollment, attendance and success of homeless children and youth throughout Illinois as a high priority. It is the policy of the ISBE that every homeless child and youth be sensitively identified as required by the federal McKinney-Vento Homeless Assistance Act (“McKinney-Vento”), 42 U.S.C. § 11431 *et seq.*, that every such child or youth be enrolled in and attend the appropriate school on every school day, and that school admission for such children and youth be immediate and be handled sensitively and in a child and family-centered manner in accordance with McKinney-Vento and the Illinois Education for Homeless Children Act (IEHCA), 105 ILCS 45/1-1 *et seq.* This policy is promulgated with the intention of minimizing educational disruption for homeless children and youth and promoting stability and continuity in education as well as providing social supports during a period of housing in stability.

Definition of “Homeless”

Both Illinois and federal law define “homeless.” Homeless students include, but are not limited to, children or youth who are: sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (commonly referred to as being “doubled up”); 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; are abandoned in hospitals; are awaiting foster care placement; are staying in public or private places not ordinarily used as sleeping accommodations; are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; or are otherwise not residing in a fixed, regular and adequate nighttime residence. There is no specific time limit on how long a child or youth can be considered homeless. Whether a child or youth meets the definition of homeless depends on the living situation and the individual circumstances.

Choice of Schools

A homeless child or youth is entitled to attend any of the following:

- (1) the school in which he or she was enrolled when permanently housed;
- (2) the school in which he or she was last enrolled; or
- (3) any public school that non homeless students who live in the attendance area in which the homeless child or youth is actually living are eligible to attend. The first two choices are referred to as the “school of origin.” Children and youth who have experienced homelessness are permitted to attend their school of origin for as long as they remain homeless, or if the child becomes permanently housed, for the remainder of the academic year in which housing is acquired. Where a homeless child or youth may be staying day-to-day in different attendance areas, each such area shall be considered an available choice for school enrollment. If a homeless child or youth presents for enrollment and the school to which they present is neither a school of origin nor a school in which other children or youth in the same living area as the homeless child are entitled to attend, it is appropriate to attempt to explain this to the parent, guardian or youth. However, no school district should deny enrollment of a child for that reason without also taking reasonable steps to help ensure that the child or family is promptly enrolled in an

appropriate school district (and advising the parent, guardian or youth of the dispute resolution process and referring them to low-cost or free legal assistance).

Transportation

Where a homeless child or youth chooses to continue enrollment in his or her school of origin, school districts must ensure that transportation is provided. If the homeless child or youth continues to live in the area served by the local educational agency (LEA) where the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the LEA where the school of origin is located. If the homeless child's or youth's living arrangements in the area served by the LEA of origin terminate, and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEA's are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally. Parents/guardians, in either scenario, shall make a good-faith effort to provide or arrange for transportation to the school of origin, including authorizing relatives, friends or a program for homeless persons to provide the child with transportation; however, it is ultimately the school districts' responsibility to ensure that appropriate transportation is provided and in no event shall appropriate transportation not be provided to a homeless student on any given school day.

Primary Duties of School Districts

All Illinois school districts are LEA's within the meaning of McKinney-Vento and must comply with its provisions. Among the most important responsibilities for LEA's are the following:

- to allow and promote access of homeless children, youth and families in all programs and activities offered by the school (including preschool, kindergarten, after school programs, etc.) and to refrain from any segregation, discrimination or stigmatization of such students;
- wherever possible, and consistent with the wishes of the parent or guardian, to keep a homeless child or youth at his or her "school of origin" as defined in state and federal law;
- to adopt a policy and practice for providing appropriate transportation services to enable homeless children and youth to attend the school of origin;
- to provide notice throughout the community and at all school locations of the rights of, and services for, homeless children and youth, including school choices and transportation availability as well as the name and phone number of the liaison (Posters and brochures have been developed by Opening Doors (www.homelessed.net), a technical assistance grantee of the Illinois State Board of Education and are available for use by school districts);
- to review and revise any policies, websites, forms and other similar items that may act as barriers to the enrollment, attendance and success of homeless children and youth (and in reviewing and revising any such items, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship);

- to provide outreach to homeless families and youth to ensure that all school-age and pre-school age children not enrolled in school are promptly enrolled in the proper school or pre-school;
- to provide a fair process for resolving disputes between the LEA and any homeless child, parent or youth in accordance with applicable law and as set forth in the Homeless Student Dispute Procedures herein;
- to immediately enroll all homeless students in free breakfast and lunch programs and to waive any of the fees or charges that are subject to waiver under the Illinois fee-waiver rules; and
- to capture data regarding homeless children and youth as required by the Illinois State Board of Education and federal law.

Coordination with other Agencies and Resources

School districts should develop relationships, and coordinate, with agencies providing supportive services to the families of homeless children and youth. Such agencies include domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, transitional living programs for homeless youth, and other public and private social services (e.g., the Illinois Department of Healthcare and Family Services and the Illinois Department of Human Services). All local school districts should undertake this coordination activity which can help facilitate access of homeless families to food stamps, Medicaid, employment services and emergency assistance. To provide comprehensive services to homeless children and youth and their families, school districts should endeavor to integrate child development programs, preschool programs, and programs for runaways.

Ensuring Privacy

It is prohibited, under the Illinois School Students Records Act, for any school staff to provide school student records or information therein to any landlord, zoning office, contractor, municipal official or housing authority.

Duties of the Liaison for Homeless Students

Pursuant to McKinney-Vento, all school districts must have in place a liaison for homeless children and youth who is properly trained on the liaison's duties as set forth below and who is reasonably available to families throughout the school day to implement the requirements of the Act. The school liaison for homeless children and youth must ensure that:

- Homeless children and youth are sensitively identified by school personnel, whether currently enrolled or not yet attending school and, if appropriate, aid such children or youth in accessing the appropriate school;
- Homeless children and youth have a full opportunity to succeed in the district's schools and that homeless families' children and youth receive all educational services for which they are eligible, including Head Start, Even Start, preschool and referrals for healthcare, dental care, mental health and other appropriate services;
- Parents and guardians of homeless children and youth are informed about the district's educational services and opportunities and are given meaningful chances to participate in their child's education;
- Public notice of the educational rights of homeless children and youth is disseminated at locations where homeless families and children are served such as schools, shelters

,soup kitchens, public aid offices, city hall, food pantries, public libraries, court houses ,and police stations;

- Disputes between the school district and homeless parents are handled in accordance with applicable law and the procedures set forth herein;
- Parents or guardians of a homeless child or youth (and any unaccompanied youth) are fully informed of all transportation services, including transportation to the school of origin and are assisted in accessing transportation to the school that is appropriately selected;
- Staff coordinate and collaborate with, among others, school personnel responsible for the provision of related services to homeless children and youth (such coordination and collaboration may include, for example, the development of training programs on rights of homeless children and youth and their families under applicable law); and,
- Ensure that special attention is given to locating and enrolling homeless children and youth not currently in school.

Homeless Student Dispute Procedures

Disagreements may occur between a school district and a homeless student or homeless parent regarding, among other things, enrollment or transportation. As soon as such a disagreement arises, the school district liaison should become involved. If the district has legitimate reason to disagree with a parent, guardian or homeless youth regarding an issue related to the rights of homeless students, the district must follow a dispute procedure that includes these steps:

- Immediately enroll the student(s) and arrange for transportation and other services as appropriate.
- With the involvement of the district's liaison, attempt to discuss the issues with the parent/youth to determine if more information can clear up the issues. Failing to accomplish that:
- Issue a letter to the parent/guardian or youth explaining, with a degree of specificity, the district's position as to the homelessness-related dispute. In this letter, the district must also include referrals to free/reduced cost legal help and an outline of the dispute resolution procedure. The district must copy on such letter the applicable regional superintendent of schools and Illinois' Coordinator for the Education of Homeless Children and Youth ("State Coordinator").
- Refer the child or his or her parent or guardian to the fair and impartial ombudsperson appointed by the district's regional superintendent of schools (the "Ombudsperson").The district's liaison should exercise responsibility for facilitating access to legal help and advocacy and other information and, upon knowledge that legal representation is obtained by a family or youth, the district (through its liaison or otherwise) shall appropriately work with such legal representative throughout the dispute resolution process.
- The Ombudsperson shall: be familiar with the educational rights and needs of homeless children; work with all parties to schedule a meeting, notifying such parties of the meeting's date, time and location; and, to the extent available, provide the parties with any requested resource information in advance of the meeting so as to enable a full and fair presentation of their respective positions in the dispute resolution process. If at all possible, such meeting should occur within 5 school days of the district's letter.
- The Ombudsperson shall, as part of the meeting, allow for a complete presentation of relevant facts by all parties. The child and/or his or her parent or guardian should be allowed to have assistance from a legal representative knowledgeable of federal and state laws pertaining to homeless students' educational rights.

- At the conclusion of the meeting or promptly thereafter, the Ombudsperson shall, in writing, communicate his or her decision to the parties and inform the parties of the ability to have the State Coordinator review compliance with applicable law.
- Either party may, within 5 school days of the Ombudsperson's decision, send a written request to the State Coordinator asking the State Coordinator to review such decision for compliance with applicable law. Such request must include any documentation related to the dispute resolution proceeding.
- Upon receiving a request for review, the State Coordinator may request from either party any additional information that he or she deems relevant to determining compliance with applicable law. No later than 10 school days after receiving the request for review, the State Coordinator shall make a recommendation to the State Superintendent of Education regarding the Ombudsperson's decision and the appropriate placement of the student (deferring, in this review, to any and all findings of fact by the Ombudsperson).
- Within 10 days of receiving the State Coordinator's recommendation, the State Superintendent of Education or designee will inform all parties of the final determination.
- If the State Superintendent of Education or designee determines that the district's action giving rise to the dispute is inconsistent with applicable law, he/she may order the district to take any action necessary for such district to be in compliance with applicable law. Should the district not comply with such order, the State Superintendent shall place the district's recognition status on probation in accordance with 23 Ill. Admin. Code 1.20(b).
- Regardless of the decision of the State Superintendent of Education or designee, the State Coordinator will follow-up with the school district within 5 school days after such determination to review the status of the dispute.