



## **POLICY 5.74**

**5-G** I recommend that the Board approve development of the proposed **new** Policy 5.74, entitled “Students Experiencing Homelessness.”

[Contact: Kim C. Williams, PX 81540.]

### **Development**

### **CONSENT ITEM**

- The purpose of this policy is to clarify statutory rights of children and youths experiencing homelessness as provided by federal and state law. This policy shall be interpreted and implemented in conformance with federal and state law and shall supersede any other School Board policy provisions relating to children and youths experiencing homelessness. The School Board shall remove barriers based upon a student’s homelessness that affect the enrollment and retention of students experiencing homelessness.
- The policy states standards for enrollment, school selection, transportation, comparable services and dispute resolution for children and youths experiencing homelessness.

POLICY 5.74

**STUDENTS EXPERIENCING HOMELESSNESS**

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2  
3 1. Purpose: The purpose of this policy is to clarify statutory rights of children and  
4 youths experiencing homelessness as provided by federal and state law. This  
5 policy shall be interpreted and implemented in conformance with federal and state  
6 law and shall supersede any other School Board policy provisions relating to  
7 children and youths experiencing homelessness. The School Board shall remove  
8 barriers based upon a student's homelessness that affect the enrollment and  
9 retention of students experiencing homelessness.
  
- 10 2. The School Board of Palm Beach County ("School Board") shall ensure that  
11 homeless children and youths are provided with equal access to the same free,  
12 appropriate education as other students, have an opportunity to meet the same  
13 challenging State of Florida academic standards to which all students are held, and  
14 are not segregated, separated or isolated on the basis of their status as homeless  
15 and shall establish safeguards that protect homeless students from being  
16 stigmatized or discriminated against on the basis of their homelessness.
  
- 17 3. Public notice of the educational rights of homeless students will be available in the  
18 Palm Beach County School District ("PBCSD") Student and Family Handbook and  
19 disseminated in schools and community.
  
- 20 4. The PBCSD homeless education liaison shall make a determination of homeless  
21 status on a case-by case basis.
  
- 22 5. Definitions
  - 23 a. The McKinney-Vento Act, within 42 U.S.C. § 11434a, defines homeless  
24 children and youths as children and youths who lack a fixed, regular, and  
25 adequate nighttime residence within the meaning of 42 U.S.C. § 11302; and  
26 includes children and youths who:
    - 27 i. are sharing the housing of other persons due to loss of housing,  
28 economic hardship, or a similar reason;
    - 29 ii. are living in motels, hotels, trailer parks, or camping grounds due to the  
30 lack of alternative adequate accommodations;
    - 31 iii. are living in emergency or transitional shelters;
    - 32 iv. are abandoned in hospitals;
    - 33 v. are awaiting foster care placement;

- 34 vi. have a primary nighttime residence that is a public or private place not  
35 designed for or ordinarily used as a regular sleeping accommodation for  
36 human beings;
- 37 vii. are living in cars, parks, public spaces, abandoned buildings, substandard  
38 housing, bus or train stations, or similar settings; and
- 39 viii. are migratory children who qualify as homeless because the children are  
40 living in circumstances described in 1) through 7).
- 41 b. The McKinney-Vento Act, within 42 U.S.C. § 11434a, defines the term  
42 “unaccompanied youth” to include a youth who is **not** in the physical custody  
43 of a parent or guardian.
- 44 c. The McKinney-Vento Act, within 42 U.S.C. § 11432 (g) (3) (G), defines the  
45 term “school of origin” to mean the school that the student attended when  
46 permanently housed or the school where the child or youth was last enrolled.
- 47 d. The McKinney-Vento Act, within 42 U.S.C. § 11434a, defines the terms “enroll  
48 and enrollment” to include attending classes and participating fully in school  
49 activities.
- 50 e. The term “immediate” means without delay.
- 51 f. The term “parent” means the natural or adoptive parent or legal guardian of a  
52 student.
- 53 g. The term “liaison” means the staff person designated by our LEA and each  
54 LEA in the state as the person responsible for carrying out the duties assigned  
55 to the liaison by the McKinney-Vento Act under 42 U.S.C. § 11432.
- 56 h. The term local educational agency (LEA) within the meaning of the McKinney-  
57 Vento Act, 42 U.S.C. § 11434a, includes the School Board.
- 58 6. School Selection
- 59 a. The School Board shall ensure that the parent, guardian, or unaccompanied  
60 youth is informed of the student’s right to remain in the school of origin, and  
61 according to that which is in the student’s best interest, and at the parent’s,  
62 guardian’s, or unaccompanied youth’s request:
- 63 i. continue the homeless child’s or youth’s education in the school of origin  
64 for the duration of homelessness--in any case in which a family becomes  
65 homeless between academic years or during an academic year; or for  
66 the remainder of the academic year, if the student becomes permanently  
67 housed during the academic year; or

- 68           ii. enroll the student in any PBCSD school that non-homeless students who  
69 live in the attendance zone in which the homeless student is actually  
70 living are eligible to attend [McKinney-Vento Act under 42 U.S.C. § 11432  
71 (g)(3)(A)].
- 72       b. In determining the best interest of the student, the School Board shall:
- 73           i. To the extent feasible, keep a homeless student in the school of origin,  
74 unless doing so is contrary to the wishes of the student's parent or  
75 guardian.
- 76           ii. Provide a written explanation, including a statement regarding the right to  
77 appeal, to the homeless child's or youth's parent or guardian, if the  
78 School Board sends a homeless student to a school other than the school  
79 of origin or a school requested by the parent or guardian [McKinney-  
80 Vento Act under 42 U.S.C. § 11432 (g) (3) (B)].
- 81           iii. In the case of an unaccompanied student, ensure that the PBCSD's  
82 homeless education liaison helps in placement or enrollment decisions,  
83 considers the views of the student, and provides notice of the right to  
84 appeal placement and enrollment decisions [McKinney-Vento Act under  
85 42 U.S.C. § 11432 (g)(3)(B)].
- 86           iv. The choice regarding placement shall be made regardless of whether the  
87 student lives with the homeless parent or guardian or has been  
88 temporarily placed elsewhere [McKinney-Vento Act under 42 U.S.C. §  
89 11432 (g) (3) (F)].
- 90           v. The requirements of the PBCSD's Student Assignment Plan for students  
91 moving their physical residence from one attendance zone to another, to  
92 transfer to a school in the new zone of residence, shall not apply to  
93 homeless students.

94   7. Enrollment

95   The school selected within the PBCSD, based on the process outlined within  
96 Paragraph 6 above, will immediately enroll a homeless student, new to the district,  
97 even if they do not have the documents usually required for enrollment, such as  
98 school records (includes Individualized Education Plan-IEP), prior academic  
99 records, immunization, medical records, birth certificates, or proof of residency or  
100 guardianship.

- 101   a. If a homeless student arrives without records, the assigned school's Guidance  
102 Department shall assist the family and contact the previously attended school  
103 system to obtain the required records.

104 b. The assigned school's Guidance Department for homeless children and  
105 youths shall immediately refer the parent or guardian to the PBCSD homeless  
106 education liaison, who will help in obtaining necessary immunizations or  
107 immunization or medical records if the student needs to obtain these records.

108 c. A homeless student is considered a resident of the County if the child or youth  
109 is personally somewhere within the district to live here temporarily, but not  
110 necessarily to remain permanently. Homeless students who do not live with  
111 their parents or guardians may enroll themselves in school.

112 8. Guardianship and Caregivers

113 a. Although a school should immediately enroll a homeless student, even if there  
114 is no proof of legal guardianship at the time of initial enrollment, the legal  
115 guardian shall be asked to present to the school all court order(s) showing  
116 his/her appointment as a guardian of the student, within a reasonable period  
117 of time.

118 b. If a homeless student is not accompanied by a parent or guardian at the time  
119 of enrollment, once he or she is enrolled in and attending a school, the person  
120 acting as a caregiver or the unaccompanied youth will be asked to complete  
121 the PBCSD's caregiver authorization form (PBSD 2369), within a reasonable  
122 period of time. This form is incorporated herein by reference as part of this  
123 policy and can be located on the PBCSD's forms web site at:  
124 <http://www.palmbeach.k12.fl.us/Records/FormSearch.asp>.

125 9. Disputes [McKinney-Vento Act under 42 U.S.C. § 11432 (g) (3) (E)].

126 If a dispute arises over school selection or enrollment:

127 a. The student shall be immediately admitted to the school in which enrollment  
128 was requested, pending resolution of the dispute;

129 b. The parent or guardian of the student shall be provided with a written  
130 explanation of the PBCSD's decision regarding the school selection or  
131 enrollment, including the rights of the parent, guardian or student to appeal the  
132 decision through the School Board's enrollment dispute procedure and the  
133 Florida Department of Education's appeal process;

134 c. The student, parent or guardian shall be referred to the PBCSD's Homeless  
135 Education Liaison, who shall ensure the resolution process is carried out as  
136 expeditiously as possible after receiving notice of the dispute; and

137 d. In the case of an unaccompanied student, the PBCSD's Homeless Education  
138 Liaison shall ensure that the student is immediately enrolled in school pending  
139 the resolution of the dispute.

140 e. The resolution process can be found on the Florida Department of Education's  
141 website at [http://www.fldoe.org/bsa/title1/doc/onlinedispute\\_resolution.doc](http://www.fldoe.org/bsa/title1/doc/onlinedispute_resolution.doc) and  
142 is incorporated herein by reference as part of this policy.

143 10. Transportation

144 The School Board shall ensure at the request of the parent or guardian, or in the  
145 case of an unaccompanied youth, the PBCSD's Homeless Education Liaison,  
146 transportation will be provided for a homeless student to and from the school or  
147 origin as follows:

148 a. If the homeless student continues to live in the area served by PBCSD in  
149 which the school of origin is located, the student's transportation to and from  
150 the school of origin will be provided and/or arranged for by the PBCSD.  
151 Transportation must be provided to or arranged for the student unless the  
152 student is residing in a location within the school zone's walking distance.

153 b. If the homeless student moves to an area served by another school district,  
154 though continuing his or her education at the school or origin within PBCSD,  
155 PBCSD and the school district in which the student resides must agree upon a  
156 method to apportion responsibility and costs for transportation to the school of  
157 origin. 42 U.S.C. §11432 (g)(1)(J)(iii)(II).

158 c. If the school districts cannot agree upon such a method, the responsibility and  
159 costs must be shared equally.

160 d. Alternate methods of transportation may be offered, e.g., Palm Tran, or the  
161 parent/guardian may be reimbursed for providing transportation.

162 11. Comparable Services

163 Each homeless student shall be provided with services comparable to other  
164 students in the selected school [McKinney-Vento Act under 42 U.S.C. §11432 (g)  
165 (4)], including:

166 a. Transportation services;

167 b. Educational Services for which the student meets the eligibility criteria,  
168 including special education and related services and programs for English  
169 language learners;

170 c. Vocational and technical education programs;

171 d. Gifted programs;

172 e. School nutrition programs (all identified homeless students are entitled to free

173 meals per McKinney-Vento):

174 f. Title I, Part A:

175 g. Before- and After-School programs, if eligible [McKinney-Vento Act under 42  
176 U.S.C. §11432 (g)(1)(F)(iii)]; and

177 h. Preschool programs, if eligible [McKinney-Vento Act under 42 U.S.C. §11432  
178 (g)(6)(A)(iii)].

179 Pending grant funding, the School Board may provide additional services, including  
180 but not limited to: Tutoring (at shelters, Title I and non-Title I schools), school  
181 supplies, school uniforms/shirts, mentoring, summer programs.

182 12. Homeless Education Liaison

183 The PBCSD's Superintendent shall ensure that there is a PBCSD Homeless  
184 Liaison and his/her duties are communicated to PBCSD and school personnel and  
185 appropriate community agencies and providers.

186 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.42, 1001.43, 1003.01(12); 1003.21

187 LAWS IMPLEMENTED: The McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§  
188 11431-11436; Fla. Stat. §§ 1003.01(12); 1003.21 Title I, Part A of the Elementary and  
189 Secondary Education Act, 20 U.S.C. §§ 6311-6315

190 RULES IMPLEMENTED: Fla. Admin. Code § 65C-28(3)

191 HISTORY: \_\_\_/\_\_\_2010

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.74 and finds it legally sufficient for development by the Board.

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Attorney

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Date





# Caregiver Authorization for Homeless Student

In most school districts, enrollment procedures are predicated on the expectation that children are living with their parents or legal guardians. Sometimes, however, children and youth who are enrolling in a school may not be living with their parents or legal guardians. Frequently, children in families experiencing homelessness are sent to live temporarily with friends or relatives. In other situations, youth have been forced to leave home due to abusive environments or are on their own for other reasons. These children and youth, in most cases, fit the definition of homeless, unaccompanied youth in the McKinney-Vento Act: a youth not in the physical custody of a parent or guardian [42 U.S.C. §11434A(6)] and eligible for immediate school enrollment.

The McKinney-Vento Act requires school districts to enroll homeless children and youth in school immediately, even if they lack required enrollment documents [42 U.S.C. §§11432(g)(3)(C), (g)(1)(H)(iv), (g)(1)(F)(ii)]. Therefore, schools may not condition school enrollment upon the receipt of proof of legal guardianship by caregivers of homeless, unaccompanied youth; nor may they require caregivers to become legal guardians within a certain period of time after the child enrolls in school. In addition, it is important to note that the absence of an available caregiver must not impede enrollment. Unaccompanied, homeless youth who are on their own completely must be enrolled in school immediately.

This form is intended to address the McKinney-Vento Homeless Assistance Act (P.L. 107-110) requirement that homeless children have access to education and other services for which they are eligible. The McKinney-Vento Homeless Assistance Act states specifically that barriers to enrollment must be removed. In some cases, a child or youth who is homeless may not be able to reside with his/her parent or guardian; however, this fact does not nullify the child's/youth's right to receive a free, appropriate public education. For more information, contact the Department of Student Intervention Services at 738-2966/PX22966.

**Instructions:** Complete this form for a child/youth presenting himself/herself for enrollment while not in the physical custody of a parent or guardian.

- To authorize the enrollment in school of a minor, complete items 1 through 4 and sign the form.
- To authorize the enrollment and school-related medical care of a minor, complete all items and sign the form.

1. Name of Minor \_\_\_\_\_ 2. Birth Date \_\_\_\_\_

3. Person Completing Form \_\_\_\_\_

4. Home Address of Person Completing Form \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Check one only:**

- I am 18 years of age or older and have agreed to fulfill the role of caregiver for the minor named above.
- I am an unaccompanied youth and am enrolling myself in this school

**Check one only:**

- I am unable to contact the parent(s) or legal guardians(s) at this time to notify them of my intended authorization.
- I have advised the parents(s) or other person(s) having legal custody of the minor as to my intent to authorize medical care and have received no objection.
- I have advised the parents(s) or other person(s) having legal custody of the minor as to my intent to authorize medical care and have received the attached authorization signed and notarized and/or witnessed from the parent(s) of the minor:

I declare under penalties of perjury pursuant to Florida Statutes §92.525 state that the foregoing information is true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date