Instruction

Education of Homeless Children **1**

Each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, as provided to other children and youths, including a public pre-school education. **2** A "homeless child" is defined as provided in the McKinney Homeless Assistance Act and State law. **3** The Superintendent shall act as or appoint a Liaison for Homeless Children to coordinate this policy's implementation. **4**

A homeless child may attend the District school that the child attended when permanently housed or in which the child was last enrolled. A homeless child living in any District school's attendance area may attend that school.

The Superintendent or designee shall review and revise rules or procedures that may act as barriers to the enrollment of homeless children and youths.   In reviewing and revising such procedures, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. **5** Transportation shall be provided in accordance with the McKinney Homeless Assistance Act and State law. **6** The Superintendent or designee shall give special attention to ensuring the enrollment and attendance of

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The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

1 State and federal law control this policy's content. This sample policy contains the basic requirements of 105 ILCS 45/1-1 et seq., as well as the McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq., as amended by the No Child Left Behind Act.

2 For high school districts, delete "including a public pre-school education" at the end of the sentence.

3 Under the McKinney Homeless Assistance Act (42 U.S.C. §11434a(2)),

"Homeless Children" (A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1); and (B) includes —
   i.   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; are abandoned in hospitals, or are awaiting foster care placement;
   ii. 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 Section 11302(a)(2)(C);
   iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
   iv. migratory children (as such term is defined in section 6399 of Title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

Under State law (105 ILCS 45/1-5),

"Homeless person, child, or youth" includes, but is not limited to, any of the following:
      (1) An individual who lacks a fixed, regular, and adequate nighttime place of abode.
      (2) An individual who has a primary nighttime place of abode that is:
         (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);
         (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or
         (C) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

See www.isbe.net/homeless/default.htm for helpful informational resources and training with regard to the education of homeless children in Illinois.

4 42 U.S.C. §11432(g)(l)(J)(ii).

5 The first sentences in this paragraph are required by 42 U.S.C. §11432(g)(7).

6 42 U.S.C. §11432(g)(l)(J)(iii) and 105 ILCS 45/1-15.

homeless children and youths who are not currently attending school. **7** If a child is denied enrollment or transportation under this policy, the Liaison for Homeless Children shall immediately refer the child or his or her parent/guardian to the ombudsperson appointed by the Regional Superintendent and provide the child or his or her parent/guardian with a written explanation for the denial. **8** 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, the Liaison for Homeless Children shall, after the passage of 18 months and annually thereafter, conduct a review as to whether such hardship continues to exist in accordance with State law. **9**

LEGAL REF.:   McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
                     105 ILCS 45/1-1 et seq.

CROSS REF.:   2:260 (Uniform Grievance Procedure), 4:110 (Transportation), 7:10 (Equal Educational Opportunities), 7:30 (Student Assignment), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students)

ADMIN. PROC.:   6:140-AP (Education of Homeless Children)

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7 Required by 42 U.S.C. §11432(g)(7).

8 Required by 105 ILCS 45/1-25.

Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." Use this alternative for districts in suburban Cook County: replace "Regional Superintendent" with "appropriate Intermediate Service Center." P.A. 96-893 abolished the Regional Office of Education for Suburban Cook County and transferred its duties and powers to Intermediate Service Centers.

9 Optional (105 ILCS 45/1-25(a-5). As an alternative, a school board may omit this sentence or use a permissive verb, such as, "…the Liaison for Homeless Children may, after the passage of 18 months and annually thereafter, conduct… ."