

281—33.3(256) Responsibilities of the board of directors. The board of directors of a public school district shall do all of the following:

33.3(1) The board shall locate and identify homeless children or youth within the district, whether or not they are enrolled in school.

33.3(2) The board shall post, at community shelters and other locations in the district where services or assistance is provided to the homeless, information regarding the educational rights of homeless children and youth and encouraging homeless children and youth to enroll in the public school.

33.3(3) The board shall examine and revise, if necessary, existing school policies or rules that create barriers to the enrollment of homeless children or youth, consistent with these rules. Examination and revision include identifying and removing barriers that prevent such children and youth from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with state, local, and school policies. Examination and revision also include ensuring that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the state and local levels. School districts are encouraged to cooperate with agencies and organizations for the homeless to explore comprehensive, equivalent alternative educational programs and support services for homeless children and youth when necessary to implement the intent of these rules.

33.3(4) The board shall enact a policy prohibiting the segregation of a homeless child or youth from other students enrolled in the public school district.

33.3(5) The board shall immediately enroll a homeless child or youth, pending resolution of any dispute regarding in which school the child or youth should be enrolled.

33.3(6) The board shall determine school placement based on the best interests of a homeless child or youth. The board shall, to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian. If the child or youth becomes permanently housed during an academic year, enrollment shall continue in the school of origin for the remainder of that academic year unless the parents agree otherwise.

33.3(7) The board shall designate as the district's local educational agency liaison for homeless children and youth an appropriate staff person who is able to and has been trained to carry out the following duties:

a. Ensure that a homeless child or youth is identified by school personnel through outreach and coordination activities with other entities and agencies;

b. Ensure that homeless children and youth are enrolled in, and have a full and equal opportunity to succeed in, schools of the district;

c. Ensure that homeless families and homeless children and youth receive educational services for which such families, children, and youth are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. Section 9831, et seq.), early intervention services under Part C of the Individuals with Disabilities Education Act (20 U.S.C. Section 1431, et seq.), and other preschool programs administered by the district, and referrals to health care services, dental services, mental health services, and other appropriate services;

d. Ensure that homeless families and homeless children and youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

e. Ensure that the parents or guardians of homeless children and youth are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

f. Ensure that public notice of the educational rights of homeless children and youth is disseminated in locations frequented by parents or guardians of such children and youth, and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youth, and unaccompanied youth;

g. Ensure that enrollment disputes are mediated in accordance with 42 U.S.C. Section 11432(g)(3)(E), which requires the following:

(1) The child or youth shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute (which must be either the local attendance center or the school of origin);

(2) The parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

(3) The child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under this subrule, who shall carry out the dispute resolution process set forth in rule 281—33.9(256);

(4) In the case of an unaccompanied youth, the local educational agency liaison shall ensure that the youth is immediately enrolled in the school in which enrollment is sought pending resolution of the dispute;

h. Ensure that the parent or guardian of a homeless child or youth, or the unaccompanied youth, is fully informed of all transportation services and is assisted in accessing transportation to the school of enrollment;

i. Ensure that school personnel providing services under this chapter receive professional development and other support;

j. Ensure that unaccompanied homeless youth:

(1) Are enrolled in school;

(2) Have opportunities to meet the same challenging academic standards as are established for other children and youth, including through implementation of the procedures under the Every Student Succeeds Act; and

(3) Are informed of their status as independent students under Section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youth may obtain assistance from the local educational agency liaison to receive verification of such status for the purposes of the Free Application for Federal Student Aid described in Section 483 of such Act (20 U.S.C. 1090); and

k. Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.

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