

<p><b>POLAND SCHOOL COMMITTEE</b></p>	<p><b>CODE: JFABD-R</b> Page: 1</p>
<p><b>SUBJECT: ADMISSION OF HOMELESS STUDENTS - REGULATIONS</b></p>	
<p><b>DATE OF ORIGINAL POLICY:</b>     January 2007 <b>REVISION DATE:</b></p>	
<p><b>JURISDICTION:</b>                   Poland Community School; Bruce M. Whittier Middle School</p>	

**1. DEFINITIONS**

1.1 Homeless Student

A homeless student means a student eligible to attend elementary or secondary school, pursuant to 20- A M.R.S.A. section 5205, who:

- A. Lacks a fixed, regular and adequate night time residence;
- B. Has a primary night time residence that is:
  - (1) A supervised publicly or privately operated shelter designed to provide temporary accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill; or
  - (2) An institution that provides temporary residence for individuals intended to be institutionalized; or
  - (3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- C. Is the child of a parent or guardian to whom paragraph A or B applies.

The term "homeless student" does not include a person housed in a correctional facility, jail, or detention facility.

1.2 School of Origin, School Unit of Origin

The school of origin shall mean the school that the student attended when permanently housed, the school in which the student was last enrolled, or the school which the student would have been entitled to attend upon reaching the appropriate school age or grade. The school unit of origin shall mean the school which the school of origin is located.

1.3 School of Current Location, School Unit of Current Location

The school of current location shall mean the school that non-homeless students are eligible to attend in the attendance area in which the homeless student is currently located. The school unit of current location shall mean the school administrative unit in which the school of current location is located.

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**2. EDUCATION ACCESS FOR HOMELESS STUDENTS**

**2.1 Designated School**

- A. The parent, an adoptive parent or guardian of a homeless student shall determine whether the homeless student shall attend:
  - (1) The school of origin for the remainder of the academic year or in any case in which a family becomes homeless between academic years, for the following academic year; or
  - (2) The school of current location, whichever is in the best interest of the homeless student.
- B. In the event that a parent, an adoptive parent or a legal guardian is unavailable to make the determination described in paragraph (A), that determination shall be made by a social worker or by the homeless student.
- C. The determination described in paragraph (A) shall be made regardless of whether the homeless student is living with homeless parents or has been temporarily placed elsewhere by the parents.

**2.2 Services to be provided:**

Whether a homeless student attends school in the school of current location or the school of origin, such student shall have immediate access to education in that school unit. Such student shall be provided services comparable to services available to other students in the designated school. These services shall include, but not be limited to, educational services for which the student meets relevant eligibility criteria, such as compensatory education programs for the disadvantaged; education programs for students with disabilities and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; school meals; before and after school care programs.

**2.3 Transportation**

A homeless student who has enrolled in the school of current location (pursuant to section 2.1) shall be provided transportation by the school unit of current location. Transportation for a homeless student who has enrolled in the school of origin shall be arranged by the superintendent of the school of origin (pursuant to section 2.1) through an agreement with the superintendent of the school unit of current location, provided that these school units are contiguous.

**3. RESOLUTION OF DISPUTES REGARDING EDUCATIONAL PLACEMENT OF HOMELESS STUDENTS**

**3.1 Informal Process**

In the event that the superintendent of a school unit designated pursuant under 2.1 believes that the determination is not in the best interest of the homeless student, the superintendent or designee may seek informal resolution through the Coordinator of Education for Homeless Children and Youth. The Coordinator shall attempt to resolve the dispute within 20 school days from the date of the request.

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3.2 Formal Appeal

- A. In the event that the informal procedure described in sub-section 1 has not resolved the dispute, or as an alternative to the informal procedure, the superintendent of the designated school unit or designee may formally appeal that determination to the Commissioner of Education or the Commissioner's designee.
- B. The appeal shall be made on forms provided by the Commissioner and shall contain such information as the Commissioner requires. If the appealing superintendent believes that the interests of the homeless student would be best served by enrollment in another specific school unit, the superintendent shall identify that other school unit. The Commissioner shall provide notice of the appeal to any other school unit identified and to the parent or person in parental relations to the homeless student, to a social worker or to the homeless student him/herself, as the case may be. The Commissioner may request a response and any other information from these parties.
- C. The Commissioner shall determine which school is responsible for educating the homeless student. In making this determination the Commissioner shall be guided only by the best interests of the homeless student. This shall include, but not be limited to:
  - (1) An assessment of the student's social, educational, and physical needs related to the homeless situation;
  - (2) A review of other options available to the student for education; and
  - (3) Other information from school authorities and out-of-school agencies.
- D. The Commissioner shall have the discretion to provide a hearing or opportunity for a hearing to decide the appeal. Any hearing shall be conducted as an adjudicatory proceeding for purposes of the Maine Administrative Procedure Act, 5 MRSA section 8001 et seq. and shall follow the hearing procedures set forth in 5 MRSA section 9051 et seq.
- E. The decision of the Commissioner shall be final agency action for purposes of the Maine Administrative Procedure Act and may be appealed to Superior Court as set forth in 5 MRSA section 11001 et seq. The Commissioner may defer the effective date of the decision when mandated by the need for continuity of education or the best interests of the homeless student.

3.3 Enrollment Status of Student During Resolution Process

During the pendency of the informal procedure or a formal appeal, the homeless student shall remain enrolled in the school designated pursuant to section 2.1 and shall receive all services to which the student is entitled under section 2.2 and 2.3.

