

Chicago Public Schools Policy Manual

Title: EDUCATION OF HOMELESS CHILDREN AND YOUTH

Section: 702.5

Board Report: 16-0427-PO1

Date Adopted: April 27, 2016

Policy:

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board rescind Board Report 96-1120-PO3 and adopt a new Education of Homeless Children and Youth Policy.

PURPOSE: The purpose of this policy is ensure compliance with the McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §11431 *et seq.* ("McKinney-Vento") and the Illinois Education for Homeless Children Act, 105 ILCS 45/1-1 *et seq.* ("IEHCA").

POLICY TEXT:

A. Commitment: This policy applies to all Board employees and service programs and activities provided or made available by the Board. This policy affirms the Board's commitment to the District's homeless education program, known as the Students in Temporary Living Situations ("STLS") program, and the STLS program goals which are to ensure:

1. every homeless child and youth attending the Chicago Public Schools shall have equal access to the same free, appropriate public education and programs as is provided to other children and youth to enable them to meet the same challenging State student academic achievement standards to which all students are held;
2. every homeless child and youth has access to services, programs and activities offered by the school (e.g. preschool, before, during and after-school programs);
3. every homeless child and youth who meets the relevant eligibility criteria will not face barriers based on homeless status to accessing academic and extracurricular activities, magnet schools, summer school, career and technical education, advanced placement, on-line learning and charter schools;
4. no homeless child or youth shall be discriminated against, segregated from the mainstream school population, isolated on the basis of the student's homelessness or stigmatized;
5. no child or youth shall be denied enrollment because the student is homeless;
6. no homeless child or youth shall be denied immediate enrollment because the student is unable to produce health, immunization or school records, proof of guardianship, or proof of residence;
7. the removal of any regulations, practices or policies that act as barriers to the identification, enrollment, retention, attendance or success of homeless children and youths in the District;
8. the maintenance of safeguards that protect homeless students from discrimination on the basis of their homelessness;
9. all Board employees treat children, youth and their families who are experiencing homelessness with respect, compassion and sensitivity; and
10. the District complies with federal and state laws regarding the education of homeless students.

B. Scope: Children and youth are homeless when they lack a fixed, regular and adequate night-time place of residence, including those who are:

1. sharing housing of other persons due to the loss of housing, economic hardship or similar reason (sometimes referred to as "doubled up");
2. living in a motel, hotel, trailer park or camping ground due to lack of alternative, adequate accommodations;
3. living in an emergency or transitional shelter;
4. living in a car, park, public place, abandoned building, substandard housing, bus or train station or similar setting;
5. having a primary nighttime residence that is a private or public space not designated or ordinarily used as a regular sleeping accommodation;
6. abandoned in a hospital;

7. awaiting foster care placement (pursuant to the reauthorization of McKinney-Vento, this category will be phased-out during the 2016-2017 school year); or
8. migratory children living in any of the circumstances described above.

C. Definitions: As used in this policy, parent means the parent or guardian having legal or physical custody of the child or any adult caregiver with whom the child lives.

Unaccompanied homeless youth are youth or children who are not in the physical care or custody of a parent or guardian and include youth who have been denied housing by their parent, youth who have run away from home even if their parent states a desire for the youth to return home, and youth discharged after a stay in juvenile detention but not to the care of an adult.

“Enrollment” means enrolled into the school, attending classes and participating fully in school activities.

D. Enrollment: A homeless child or youth is entitled to immediate enrollment at any of the following:

1. the school in which the student was enrolled when permanently housed, including a preschool (school of origin as defined under McKinney-Vento and IEHCA);
2. the school in which the student was last enrolled, including a preschool (school of origin as defined under McKinney-Vento and IEHCA); 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.

Homeless child or youth shall be immediately enrolled in the school of school of origin (D1 or D2) or meeting the definition of “school” in D3 even if the student is unable to produce health, immunization or school records, proof of guardianship, or proof of residence.

Once enrolled, a homeless child or youth is allowed to remain enrolled in the selected school for as long as the child remains homeless or if the child becomes permanently housed, until the end of the school year.

For 9th grade students who are homeless and were homeless in 8th grade, the feeder high school for the 8th grade school of origin becomes the school of origin for 9th grade. If a homeless student’s elementary school of origin does not go through 8th grade, the feeder elementary school for the next grade becomes the student’s school of origin.

A homeless child or youth has the right to apply to charter schools, selective enrollment schools, magnet schools, and all other CPS programs in the same manner as students who are permanently housed.

E. Transportation The District shall ensure that transportation will be provided to homeless children or youths who chose to continue attending their school of origin. If a child or youth becomes homeless and chooses to remain in the student’s school of origin, each school upon learning of the student’s homelessness, must notify the student and parent of the availability of transportation services, if such services are necessary for the homeless child or youth to continue attendance at the school of origin. If such services are necessary, the District will strive to provide CTA transportation assistance to the school of origin immediately upon request but no later than three school days of the request. If a student becomes permanently housed and is receiving transportation to the school of origin, the student will be entitled to transportation until the end of the school year during which he/she becomes permanently housed.

The parents of students in grades PK-6 who are eligible for transportation will also receive public transportation assistance to enable them to accompany their child to/from school and school related activities, including but not limited to extracurricular activities, report card pick-up, IEP meetings, graduation, and parent teacher conferences, on the Chicago Transit Authority (CTA). District staff have the right to verify whether CTA assistance provided to a parent is actually used to transport the homeless child to/from school. In any case which a parent fails to accompany a homeless child on a regular basis despite provision of CTA assistance, the school may provide the parent with daily CTA assistance that the parent will pick-up at the child’s school. Any parent of students in grades PK-6 who are eligible for transportation and are denied CTA assistance pursuant to this policy has the right to file a dispute as described in Section J below.

Transportation assistance is provided to students and parents for the educational purpose of transporting students to and from school and school activities. Students and parents receiving transportation assistance in the form of CTA Ventra cards must adhere to the terms of the Ventra User Agreement and comply with all other CTA rules and regulations. The District has the right to audit the use of the CTA Ventra cards and to investigate whether a student or parent of a student misused a Ventra card (e.g. use on a non-attendance day for non-school related activities, use during school hours other than to transport to/from school, re-sell the card, etc.).

Hardship Transportation: If the parent is unable to accompany his/her child on public transportation to their school of origin due to a hardship, the parent and/or unaccompanied youth may apply for hardship transportation service by submitting documentation or affidavit of the parent's inability to transport the student. The District will strive to provide hardship transportation as soon as possible but no later than ten school days of approval of the request. While awaiting hardship transportation to the school of origin, the student and parent will receive CTA transportation support. Hardship for purposes of this policy means that:

- The parent is employed or enrolled in and attending a bona fide job training or education program which precludes the parent from transporting the parent's child(ren) to/from school; OR
- The parent is mentally or physically disabled and such disability precludes the parent from transporting the parent's child(ren) to/from school; OR
- The parent is responsible for transporting the parent's children to schools at different locations; OR
- The parent resides in a shelter or similar facility which will not permit the parent to leave to transport the child(ren) to/from school; OR
- The parent is required by court order, Department of Children and Family Services (DCFS) or a DCFS contract agency to engage in services which prohibit the parent from transporting the child(ren) to/from school; OR
- There is other good cause to find that a hardship exists which warrants the provision of alternative transportation; AND
- For each hardship defined above, the school may verify the information supporting such hardship. If the school is unable to verify the hardship, then the parent is required to execute an affidavit asserting the truth of the facts supporting the existence of hardship. Any parent determined to have provided false information for the purpose of securing hardship transportation under this policy may be denied such transportation.

If a homeless student's temporary residence is outside the City of Chicago and the student continues to attend the student's CPS school of origin or the student's temporary residence is in the City of Chicago and the student continues to attend the student's school of origin in another Illinois school district, the District will collaborate with the school district in which the homeless child or youth is living or attending to apportion the responsibility and costs for providing transportation to and from the school of origin, and school related activities, including but not limited to extracurricular activities, report card pick-up, IEP meetings, graduation, and parent teacher conferences.

Students who are homeless and qualify for transportation under another District program, such as pursuant to an Individualized Education Program (IEP) or Options for Knowledge, will be provided such transportation as their non-homeless peers.

F. Fee Waivers, School Supplies, Uniforms, Tutoring, and Credit Recovery: To ensure continued enrollment in school and school activities, homeless students enrolled in the District shall have access to adequate and appropriate school supplies and school uniforms, waiver of school fees consistent with the District's Fee Waiver Policy, free school meals, and tutoring services beyond those provided to all students of at least one hour per week upon request. The District will identify and remove any barrier that prevents unaccompanied homeless youths and youths separated from public schools from receiving appropriate high school credit for full or partial coursework satisfactorily completed while attending a prior school.

If a school requires school uniforms or dress codes, the school shall assist the family of each homeless student who is unable to supply the student's own uniform to obtain a minimum of two sets of uniforms or appropriate school clothing per year to avoid stigmatization and to allow for proper hygiene and washing of uniforms.

G. Homeless Liaisons: The Chief Executive Officer ("CEO") shall designate an appropriate District staff person to be the District's Liaison for homeless students and their families and to lead the District's STLS program. The District's STLS Liaison shall also:

1. develop and implement District training materials to ensure the effective implementation of this policy;
2. ensure each school annually identifies an appropriate STLS Liaison and ensure s/he receives training on the educational rights of homeless children and youths;
3. maintain an active list of STLS liaisons;
4. ensure homeless children and youths, including pre-school age children, are identified by school personnel and coordinate with community, state and federal agencies providing supportive services to the families of homeless children and youth, including those for preschool age students, to identify homeless student not yet enrolled in school;
5. ensure parents and unaccompanied homeless youths are informed of transportation services to the school of origin and eligible students receive appropriate transportation services;
6. ensure notice is provided throughout the community in locations frequented by parents of homeless students and unaccompanied homeless youths, including shelters, public libraries and soup kitchens, and at each school of the rights of, and services for, homeless children and youth, in a manner and form understandable to the parents and unaccompanied homeless youths;
7. advise school counselors to assist unaccompanied homeless youths prepare for college and verify their status for purposes of the Free Application for Federal Student Aid (FAFSA); and
8. review and recommend to the CEO amendments to STLS requirements, protocols, and procedures that may act as barriers to the enrollment, identification, attendance, retention and success of homeless students.

Annually, each Chicago Public School will identify a school employee to serve as the school's STLS Liaison to assist with identifying and enrolling homeless students in the school and facilitating student access to STLS program benefits. A comprehensive description of the roles and responsibilities of the school level STLS liaisons and other school staff regarding homeless students is available on the District's website. The school STLS Liaison shall:

1. attend all mandatory training regarding the District's STLS program, its requirements and procedures;
2. ensure homeless students are sensitively identified and given information and assistance in regards to the choice of schools;
3. ensure homeless students, including pre-school age children, are immediately enrolled in the school of origin or "school" as defined in Section D3 above;
4. notify the student and parent of the availability of transportation services if a homeless child or youth chooses to remain in the student's school of origin and such services are necessary for the homeless child or youth to continue attendance at the school of origin.
5. maintain on-going communication with homeless youth and families and provide referrals to District and community services that may address barriers to enrollment, attendance, and success in school, including health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
6. provide all STLS program benefits in a timely manner and in accordance with Section F of this policy;
7. provide to eligible students attending their school of origin transportation assistance in a timely manner and in accordance with Section E of this policy;
8. provide the student and family a written copy of the notice of rights of homeless students, which includes information regarding their rights under the Board policy and dispute resolution;
9. display the annual poster provided by the STLS Department;
10. if a dispute arises, the liaison will explain to the parent/ unaccompanied youth the dispute process and provide him/her with the proper forms, and referrals to free and low cost legal services.

H. Training: The District shall provide mandatory training two times per school year on the educational rights of homeless children/youths and their parents to Principals, school STLS Liaisons and school clerks who work with homeless children and youths. The training program will be developed by the District's STLS Liaison. Principals shall annually provide training opportunities for all school staff on the

educational rights of homeless students and notify in writing the STLS Liaison when such training has occurred.

I. District Website: The CEO or designee and the District's STLS liaison shall continue to annually publish on the District's website the requirements, procedures and protocols for the District's STLS program and shall make updates to the website as necessary and appropriate. The website will include a list of the duties of the District's STLS Liaison. The District's STLS Liaison shall share with the Chicago Coalition for the Homeless planned revisions to the website if possible 30 days but no later than 14 days prior to the changes being posted on the website.

The District's website shall continue to provide important information for homeless families including, how to access the STLS program, including contact information for the STLS department, enroll in the school of origin or other eligible school, eligibility requirements for transportation services to and from the school of origin including hardship transportation, availability of other STLS program benefits (e.g. school uniforms, schools supplies, fee waivers) including access and eligibility requirements, process for dispute resolution, and a phone number to reach the STLS program for assistance.

The District's website shall also include protocols for schools to follow including those related to identification of homeless children and youth, immediate enrollment, handling of transportation requests, handling documentation issues regarding lack of school records, immunizations, health exams or birth certificates, ensuring privacy, timely resolution of disputes, student access to eligible school services, programs and activities, addressing special populations such as unaccompanied homeless youth, and keeping the student at the student's school origin wherever possible consistent with the wishes of the parent. All District employees shall follow the requirements, procedures and protocols posted on the District's STLS website and any other requirements issued by the CEO or designee regarding the enrollment and education of homeless children and youth in compliance with McKinney-Vento and the IEHCA.

J. Dispute Resolution: The CEO shall ensure a fair and expeditious process for resolving disputes between a school and any homeless child, parent or youth regarding enrollment, eligibility, school selection and/or transportation. The process shall ensure:

1. The parent/unaccompanied youth is given a copy of the *STLS Explanation of Dispute Resolution Process* which explains in detail how the dispute resolution process works and includes referrals to free and low cost legal assistance;
2. The parent/unaccompanied youth is given a completed and signed copy of the *STLS Dispute Notification* form which is completed by the school and/or the STLS Department and provides written notification of the rationale for the decision;
3. The parent/unaccompanied youth is given a copy of the *STLS Parent/Unaccompanied Youth Dispute Resolution Appeal* form;
4. The school and/or District STLS Liaison will assist the parent/unaccompanied youth in completing the *STLS Parent/ Unaccompanied Youth Dispute Resolution Appeal* forms;
5. The school notifies the District STLS Liaison to enable him/her to contact the parent/unaccompanied youth in an attempt to resolve the dispute, inform parents of the right to an in-person meeting with the District STLS Liaison, and ensure the dispute process is followed appropriately;
6. A decision on each dispute resolution request shall be timely issued in writing by the CEO or designee and given to the parent/unaccompanied youth in a manner and form understandable to the parent or unaccompanied homeless youth using the *CPS Final Decision Regarding Dispute for Students in Temporary Living Situations* form which includes how an appeal may be made to the Illinois State Board of Education (ISBE) Homeless Education Program and lists referrals to free and low cost legal assistance;
7. If the parent or unaccompanied youth disagrees with the District's final decision regarding enrollment or transportation, parent or unaccompanied youth notifies the District STLS Liaison who then submits an appeal to the ISBE Homeless Education Program on the parent's/unaccompanied youth's behalf for a fair and impartial hearing with an ombudsperson appointed by ISBE;
8. During the dispute resolution process, the student must be immediately enrolled in the school of origin (Sections D1 or D2 above) or the "school" which meets the definition in Section D3 above and/or provided transportation until the dispute is resolved.
9. The procedures for submitting a request for dispute resolution and for appealing a dispute resolution decision shall be posted on the District's website.

Nothing in this policy prevents a parent or unaccompanied youth from filing a dispute directly with ISBE through the state's homeless education dispute resolution process.

K. Program Inquiries: Any individual alleging the abridgement of the educational rights of homeless children or youth by CPS, other than denial of enrollment, eligibility, school selection or transportation which is covered in Section J above, such as denial of school fee waiver, or raising any issue of discrimination, such as unfair treatment of student or family because of their homelessness, should contact the STLS Department at (773) 553-2242, or fax at (773) 553-2182 or email at STLSInformation@cps.edu for assistance in addressing their complaint. Any other questions, inquiries regarding how to access the STLS program and/or services, should also be directed to the STLS Department.

L. Notification: Twice per year, the CEO will direct a designee to provide written notice to all students enrolled in the Chicago Public Schools and their parents containing information regarding the educational rights of homeless children and youth under this policy and under the federal and state law. Principals are to ensure this notice is distributed to families and posted in a prominent location within the school.

M. Support and Oversight: The CEO or designee together with the District's STLS Liaison shall establish all necessary forms, timelines, annual notices, procedures, protocols and webpages for the effective implementation and oversight of this policy. The CEO or designee together with the District's STLS liaison may further establish guidelines for evaluating charter school compliance with McKinney-Vento and IEHCA as part of their annual legal compliance review. The Principal shall provide oversight to ensure the implementation of all aspects of this policy at his/her school, including identification of homeless students, immediate enrollment, including full participation in school related activities and provision of required notifications.

N. Terms: All terms used in this policy and on the STLS page of the District's website shall be interpreted in accordance with McKinney-Vento and the IEHCA. Notwithstanding anything in this policy to the contrary, this policy is not intended to expand or limit rights or obligations created by McKinney-Vento or IEHCA.

Amends/Rescinds: Rescinds 96-1120-PO3

Cross References:

Legal References: McKinney-Vento Homeless Assistance Act 42 USC § 11431 et seq.; Illinois Education for Homeless Children Act 105 ILCS 45-1 et seq; *Salazar v. Board of Education* 92 CH 5703.