

ARTICLE 67-08

HOMELESS CHILDREN EDUCATION

Chapter
67-08-01 Homeless Children Education

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67-08-01-01. Purpose.

The purpose of this chapter is to facilitate the enrollment of homeless children of school age in the public school districts of North Dakota to enable them to have access to a free, appropriate public school education, and to be free of being stigmatized on the basis of their status as homeless.

History: Effective May 1, 1992; amended effective January 1, 2020.

General Authority: NDCC 15.1-19-08, 28-32-02

Law Implemented: NDCC 15.1-19-08

67-08-01-02. Definitions.

1. "District of origin" means the public school district in North Dakota in which the child was last enrolled or which the child last attended when permanently housed.
2. "Guardian" means a person of majority age with whom a homeless child or youth of school age is living or a person of majority age who has accepted responsibility for the homeless child or youth, whether or not the person has legal guardianship over the child or youth.
3. "Homeless child or youth" means a child or youth from the age of three through twenty-one who lacks a fixed, regular, and adequate nighttime residence and includes the following:
 - a. A child or youth who is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in a motel, hotel, trailer park, or camping grounds due to the lack of alternative adequate accommodations; is living in an emergency or transitional shelter; or is abandoned in a hospital;
 - b. A child or youth who has 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;
 - c. A child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting; or
 - d. A migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in subdivisions a, b, and c of subsection 3.
4. "Preschool child" means a child who is three, four, or five years of age before September fifteenth of the current school year.
5. "School of origin" means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool. When the

child or youth completes the final grade level served by the school of origin, the term "school of origin" includes the designated receiving school at the next grade level for all feeder schools.

6. "Unaccompanied youth" means a youth not in the physical custody of a parent or guardian.

History: Effective May 1, 1992; amended effective January 1, 2020.

General Authority: NDCC 15.1-19-08, 28-32-02

Law Implemented: NDCC 15.1-19-08

67-08-01-03. Responsibility.

Each district in North Dakota shall:

1. Locate and identify children and youth experiencing homelessness within the district, whether or not they are enrolled;
2. Post notice of rights, that provides information regarding the educational rights of children and youth experiencing homelessness, in all school buildings as well as other locations in the district where services or assistance is provided to those experiencing homelessness.
3. Examine and revise, if necessary, existing school policies or rules that create barriers to the enrollment of children or youth experiencing homelessness. 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 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 children and youth experiencing homelessness to implement the intent of these rules.
4. Enact a policy prohibiting the segregation of children and youth experiencing homelessness from other students enrolled in the public school district.
5. Immediately enroll a child or youth experiencing homelessness, pending resolution of any dispute regarding in which school the child or youth shall be enrolled.
6. Determine school placement based on the best interests of a child or youth experiencing homelessness. Each district, to the extent feasible, shall keep a child or youth who is experiencing homelessness in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parents or guardian. If the child or youth becomes permanently housed during an academic year, enrollment must continue in the school of origin for the remainder of that academic year unless the parents agree otherwise.
7. Designate an appropriate staff person as local homeless liaison who is able and has been trained to carry out the following duties:
 - a. Ensure children and youth experiencing homelessness are identified by school personnel through outreach and coordination activities with other entities and agencies;
 - b. Ensure children and youth experiencing homelessness are enrolled in, and have a full and equal opportunity to succeed in, schools of the district;

- c. Ensure families, children and youth experiencing homelessness receive educational services for which they are eligible, including services through head start programs, including early head start programs, under the Head Start Act [42 U.S.C. 9831, et seq.], early intervention services under part C of the Individuals With Disabilities Education Act [20 U.S.C. 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 families and children and youth experiencing homelessness receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;
- e. Ensure the parents or guardians of children and youth experiencing homelessness 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 public notice of the educational rights of children and youth experiencing homelessness are 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 children and youth experiencing homelessness and unaccompanied youth;
- g. Ensure enrollment disputes are mediated in accordance with 42 U.S.C. 11432(g)(3)(E), which requires the following:
 - (1) The child or youth must immediately be enrolled in the school in which enrollment is sought pending resolution of the dispute;
 - (2) The parent or guardian of the child or youth must be provided written explanation of the school's decision regarding school selection or enrollment, including the rights of the parents, guardian, or youth to appeal the decision;
 - (3) In the case of an unaccompanied youth, the local educational agency liaison shall ensure the youth is enrolled immediately in the school in which enrollment is sought pending resolution of the dispute.
- h. Ensure the parent or guardian of a child or youth experiencing homelessness, or the unaccompanied youth, is informed fully of all transportation services and is assisted in accessing transportation to the school of enrollment;
- i. Ensure school personnel receive professional development and other support;
- j. Ensure unaccompanied 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 implementation of the procedures under the Every Student Succeeds Act; and
 - (3) Are informed of their status as an independent student 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 coordinator and community and school personnel responsible for the provision of education and related services to children and youth experiencing homelessness.

History: Effective May 1, 1992; amended effective January 1, 2020.

General Authority: NDCC 15.1-19-08, 28-32-02.

Law Implemented: NDCC 15.1-19-08; 42 USC 9831, et seq., 20 USC 1431, et seq., 20 USC 1087vv, 20 U.S.C. 1090, P.L. 114-95, 42 USC 11432(g)(3)(E)

67-08-01-04. Accountability.

A district shall include homeless students in its academic assessment and accountability system under the federal Every Student Succeeds Act [P.L. 114-95]. A district shall report disaggregated data regarding the academic achievement and graduation rates for homeless children, as required by Section 1111 of the Every Student Succeeds Act.

History: Effective January 1, 2020.

General Authority: NDCC 15.1-19-08, 28-32-02

Law Implemented: NDCC 15.1-19-08; P.L. 114-95