

## CHAPTER 5.00 – STUDENTS

### ADMISSION OF HOMELESS, MIGRATORY, IMMIGRANT, FOSTER CARE, AND LIMITED ENGLISH PROFICIENT STUDENTS 5.10.1

- I. All homeless, migratory, immigrant, **foster care**, and limited English proficient children shall have equal access to the same free appropriate public education, including public preschool education, provided to other children and youth. Such children will be provided the opportunity to participate in the same state educational programs and to meet the same state student performance standards as all other children without being isolated or stigmatized.
- II. Students who live in the attendance areas of Choctaw County School System and who are homeless, migratory, immigrant and/or limited English proficient shall not be prohibited from school attendance due to any of the following:
  - A. Residency requirements
  - B. Lack of social security number
  - C. Lack of birth certificate
  - D. Lack of school records or transcripts
  - E. Lack of immunizations
  - F. Legal custody requirements
  - G. Transportation
  - H. Language barriers
  - I. Disabilities
- III. If a student desiring enrollment is identified as a homeless student, according to the definition as described in Title VII B of the McKinney-Vento Homeless Assistance Act, the homeless student shall be enrolled, eligible for free meals, and transportation needs will be determined. Enrollment of a homeless student shall not be denied or delayed due to any reason related to their homelessness.
- IV. The options for the placement of homeless students are (1) continued enrollment in the school attended prior to homelessness; or, (2) enrollment in any school that non-homeless students who live in the attendance area where the homeless student is presently living are eligible to attend. The placement decision shall be made according to the best interest of the homeless student. Factors to be considered include family plans, educational services available, special programs, transportation, and length of stay in shelter facility. To the extent feasible, school administrators shall comply with any



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placement request made by a parent or guardian. A homeless student enrolled pursuant to these provisions shall not be denied services offered to other students in the school system.

- V. **Resolution of Disputes:** Enrollment of a homeless student shall not be denied pending resolution of a dispute. Any dispute concerning the Choctaw County Schools providing a public education to a homeless individual, who may be eligible or designated as a homeless student, shall follow the following procedure:
- A. Upon receipt of a written complaint regarding eligibility, placement, or transportation, the parent or guardian shall be given notice of their right to review. The Homeless Liaison shall be notified of the dispute by the Director of Attendance and/or the Transportation Department. A resolution of the dispute will be facilitated by the Homeless Liaison in accordance with McKinney-Vento Act requirements as expeditiously as possible, but no later than five (5) school days. A written explanation of the decision shall be provided to the parent, guardian or unaccompanied youth by the Homeless Liaison, including a statement regarding the right to appeal to the Superintendent or Superintendent's designee. In the event the dispute cannot be resolved at the school system level, the parent, guardian, or unaccompanied youth may request a review of the dispute by an Assistant State Superintendent or other designee of the State Superintendent at the Alabama Department of Education. The Assistant State Superintendent, or other designee, will address the issues in the dispute within ten (10) days from the receipt of a written request for resolution.
  - B. The Assistant State Superintendent, or other designee, may, if the issue is not resolved in the written review, assign members of the Alabama Department of Education to make an on-site visit to further clarify and resolve the issue. All complaints must be resolved within 60 days unless given written explanation.
  - C. The State Superintendent of Education will review, hear, and rule on grievances from students or the local board of education that have not been resolved by the Assistant State Superintendent or other designee. The decision of the State Superintendent shall be final.

### REFERENCES:

CODE OF ALABAMA  
16-8-8, 16-12-3, 16-30-1, 16-30-3, 16-30-4. NO CHILD LEFT BEHIND ACT OF 2001,  
TITLE VII-B OF THE MCKINNEY-VENTO HOMELESS  
ASSISTANCE ACT OF 2001 (42 USC 11431 et seq.), AAC §290-3-1-.02

### HISTORY:

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FORMERLY: JX