

**LEGAL RESIDENCY FOR HOMELESS CHILDREN AND YOUTH
(Admission of Homeless Students)**

The term “homeless children and youth” shall refer to students who lack a fixed, regular, and adequate nighttime residence and shall include the following:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.
2. Children and youth who have 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.
3. Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.
4. Migratory children as defined in 20 U.S.C. 6399 who qualify as homeless because such children are living in circumstances as described in sections 1-3.

As part of the McKinney-Vento Homeless Assistance Act, a homeless child or youth has the right to:

1. A free, appropriate public education.
2. Remain in the school of origin (meaning the last school attended or school attended when child lost housing) for the remainder of the academic year, or if the child or youth became homeless between academic years, for the following academic year to attend the school nearest their shelter or temporary home. To the extent feasible, the School District shall comply with request made by the parent or legal guardian regarding school placement, regardless of whether the child or youth lives with the homeless parents or is temporarily living elsewhere.
3. Immediate enrollment, even when school or medical records cannot be produced at the time of enrollment.
4. A priority to pre-school programs.
5. Transportation to and from the school in the town which they are temporarily residing, or to and from the school of origin that is requested by the parent. The school of origin, and the school of the town in which the child is temporarily residing, must agree upon an apportionment of responsibility for the cost of transportation. If the schools cannot agree, the costs for transportation will be shared equally.



In making a determination of school attendance, the best interest of the child and the request of the homeless parents will be considered.

If more than one school district is involved in a residency dispute, or the parents who live apart cannot agree on the residence of a homeless minor child, the respective superintendents shall jointly make such decision. In those circumstances when the superintendents cannot agree, the commissioner of education or designee shall make a determination within 14 days of notice of the residency dispute and such determination shall be final.

The school board shall not deny a pupil attendance or implementation of an existing individual education plan.

Pending determination of a residency dispute, the student shall remain in attendance at the student's school of origin. A school of origin is defined as the school the student attended when permanently housed or the school in which the child was last enrolled.

If a child does not have a school of origin within the state of New Hampshire, the student shall be immediately admitted to the school in which enrollment is sought, pending the determination of residency dispute, provided that the school is in the school district in which the child temporarily resides.

A homeless liaison will be appointed by the assistant superintendent of schools to coordinate services for homeless children and youth in each school building and to facilitate enrollment in school and public services including: to help families procure medical records and services and educational records needed to meet state standards.

Legal References:

NH Code of Administrative Rules, Section Ed. 306.04(a)(17), *Policy Development; Homeless Students*

RSA 193:12, *Pupils; Legal Residence Required*

42 USC § 11431, et. seq., *Education for Homeless Children and Youths*

No Child Left Behind Act, 2002

McKinney-Vento Homeless Assistance Act of 1987

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