
OLR Bill Analysis

HB 7313

AN ACT CONCERNING HOMELESS STUDENTS' ACCESS TO EDUCATION.

SUMMARY

Existing law establishes an appeals process when students are denied access to school accommodations, including transportation, to attend a local or regional public school.

This bill:

1. adds unaccompanied youth to existing law's appeals process, generally requiring boards of education to notify students of hearings and decisions;
2. modifies the burden of proof in cases where the child is claiming to be homeless; and
3. establishes additional steps that boards must take in the case of a homeless child.

The bill uses the definition of "unaccompanied youth" from federal law, which includes a homeless child or youth not in the physical custody of a parent or guardian (42 USC § 11434a).

As with the existing law regarding cases of questioned residency and school accommodation for other types of students, the bill specifically permits unaccompanied and homeless youth to continue attending or be allowed to enroll in the school of their choice while the appeals process takes place.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2019

PUBLIC SCHOOL ACCOMMODATION

Under the state's existing school accommodation law, a school district must provide school accommodation, including transportation, so that each child age five and over and under 21 years old who is not a graduate may attend public school. And any board of education that denies school accommodation, including based on the student not being a school district resident, must inform the child's parents or guardian of their right to a hearing. In the case of an emancipated minor or a student who is 18 years old or older, the board must notify the student.

The bill adds to this requirement that in the case of an unaccompanied youth the board must notify the youth. The bill also incorporates unaccompanied youths into the appeals process, and specifically requires them to receive appeals notices, and hearing and formal session transcripts upon request.

BURDEN OF PROOF

Under current law, in cases where access to school is denied based on residency, the party denied schooling has the burden of proving residency in the school district where he or she was denied by a preponderance of evidence. Under the bill, if the student claims that he or she is homeless, then the party claiming ineligibility has the burden of proving, also by a preponderance of the evidence, that the student denied schooling is not a homeless in accordance with the federal law (see BACKGROUND).

ADDITIONAL REQUIREMENTS

The bill adds specific requirements that a board of education must follow if a homeless child or youth is denied accommodation by the board, a subcommittee, or an impartial hearing board (boards of education are allowed to use any of those three mechanisms to determine accommodation cases). The bill requires the board to provide the homeless child or youth, or his or her parent or guardian, with (1) a written explanation of the reasons for the denial that is in a manner and form understandable to them and (2) information regarding the right to appeal the decision.

The board must also refer the child or parents or guardian to the homeless student liaison that each district must designate as required by federal law.

The above requirements are also required by federal law.

BACKGROUND

McKinney–Vento Homeless Assistance Act

Under federal law, each state must ensure that each homeless child and homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children. States must also take steps to ensure that their laws regarding school district residency do not create obstacles for homeless students to attend school (42 USC 11431 et. seq.).

COMMITTEE ACTION

Education Committee

Joint Favorable

Yea 34 Nay 0 (03/15/2019)