

281—33.8(256) Residency of homeless child or youth.

33.8(1) A child or youth, a preschool child if the school offers tuition-free preschool, or a preschool child with a disability who meets the definition of homeless in these rules is entitled to receive a free, appropriate public education and necessary support services in either of the following:

- a.* The district in which the homeless child or youth is actually residing, or
- b.* The district of origin.

The deciding factor as to which district has the duty to enroll the homeless child or youth shall be the best interests of the child or youth. In determining the best interests of the child or youth, the district(s) shall, to the extent feasible, keep a homeless child or youth in the district of origin, except when doing so is contrary to the wishes of the parent or guardian of the child or youth. In the case of an unaccompanied youth, the local educational agency liaison shall assist in the placement or enrollment decision, taking into consideration the views of the unaccompanied youth. If the child or youth is placed or enrolled in a school other than within the district of origin or other than a school requested by the parent or guardian or unaccompanied youth, the district shall provide a written explanation, including notice of the right to appeal under rule 33.9(256), to the parent or guardian or unaccompanied youth.

33.8(2) The choice regarding placement shall be made regardless of whether the child or youth is living with a homeless parent or has been temporarily placed elsewhere by the parent(s); or, if the child or youth is a runaway or otherwise without benefit of parent or legal guardian, where the child or youth has elected to reside.

33.8(3) Insofar as possible, a school district shall not require a homeless student to change attendance centers within a school district when a homeless student changes places of residence within the district, unless the change of residence takes the student out of the category of homeless.

33.8(4) If a homeless child or youth is otherwise eligible and has made proper application to utilize the provisions of Iowa Code section 282.18, "Open Enrollment," the child or youth shall not be denied the opportunity for open enrollment on the basis of homelessness.