

Education for Homeless Children and YouthDefinitions

Homeless students means students who lack a fixed, regular, and adequate nighttime residence and includes: (Education Code 48852.7; 42 USC 11434a)

1. Students 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 accommodation; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.
2. Students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings.
3. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
4. Migratory children who qualify as homeless because they are living in conditions described in items #1-3 above.
5. Unaccompanied youth who are not in the physical custody of a parent or guardian.

School of origin means the school that the homeless student attended when permanently housed or the school in which he/she was last enrolled. If the school the homeless student attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that he/she attended within the preceding 15 months and with which he/she is connected, the district liaison shall determine in consultation with, and with the agreement of the homeless student and the person holding the right to make education decisions for the student, and in the best interests of the homeless student, which school shall be deemed the school of origin.

Best interest means that, in making educational and school placement decisions for a homeless student, consideration is given to, among other factors, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the student's access to academic resources, services, and extracurricular and enrichment activities that are available to all students.

District Liaison

The Office's liaison for homeless students shall:

1. Ensure that homeless students are identified by school personnel and through coordinated activities with other entities and agencies.
2. Ensure that homeless students enroll in, and have a full and equal opportunity to succeed in school.
3. Ensure that homeless families and students receive educational services for which they are eligible.
4. Inform parents/guardians of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children.
5. Disseminate notice of the educational rights of homeless students in county office programs that provide services to homeless children and at places where they receive services, such as schools, family shelters, and hunger relief agencies (soup kitchens).
6. Mediate enrollment disputes in accordance with law, Board policy, and administrative regulation.
7. Fully inform parents/guardians of all transportation services.
8. When notified pursuant to Education Code 48918.1, assist, facilitate, or represent a homeless student who is undergoing a disciplinary proceeding that could result in his/her expulsion.
9. When notified pursuant to Education Code 48915.5, participate in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability.
10. Assist a homeless student to obtain records necessary for his/her enrollment into or transfer out of county office programs, including immunization, medical, and academic records.

Enrollment

The Office shall make placement decisions for homeless students based on the student's best interest. When making a placement decision for a

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homeless student, the Superintendent or designee may consider the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year. However, placement decisions shall not be based on whether a homeless student lives with his/her homeless parent/guardian or has been temporarily placed elsewhere.

In the case of an unaccompanied youth, the liaison shall assist in placement or enrollment decisions, consider the view of the student, and provide notice to the student of his/her appeal rights. In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school or origin, unless his/her parent/guardian requests otherwise. Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice. The student shall be enrolled even if he/she:

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended.
2. Does not have clothing normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, records or other proof of immunization history.

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian to the district liaison for homeless students. The district liaison shall assist the parent/guardian, or the student if he/she is an unaccompanied youth, in obtaining the necessary immunizations or records for the student.

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian, the Superintendent or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision.

The student may continue attending his/her school of origin for the duration of the homelessness. To ensure that the homeless student has the benefit of matriculating with his/her peers in accordance with the established feeder patterns, the following shall apply:

1. If the student is transitioning between grade levels, he/she shall be allowed to continue in the same attendance area.
2. If the student is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, he/she shall be allowed to continue to the school designated for matriculation in that district.

If the student's status changes before the end of the school year so that he/she is no longer homeless, he/she shall be allowed to stay in the school of origin:

1. Through the duration of the school year if he/she is in grades K-8.
2. Through graduation if he/she is in high school.

McKinney-Vento Homeless Education Assistance Act of 2001 Dispute Resolution

Parents, guardians, and unaccompanied youths must be able to initiate the dispute resolution process either in writing or orally directly at the selected school site.

Dispute Resolution Process

Following are five components for resolving disputes regarding school selection and enrollment for homeless children and youths.

1. If a dispute arises over school selection or enrollment, the child/youth must be immediately enrolled in the school in which he/she is seeking enrollment, pending resolution of the dispute (PL 107-110, Section 722(g)(3)(E)(iv)). Enrollment is defined as "attending classes and participating fully in school activities."
2. The school must refer the student, parent, or guardian to the LEA's homeless liaison to carry out the dispute resolution process as expeditiously as possible. The homeless liaison must ensure that the dispute resolution process is also followed for unaccompanied youth.
3. A written explanation of the school's decision regarding school selection or enrollment must be provided if a parent, guardian, or unaccompanied youth disputes such a school selection or enrollment decision, including the right to appeal [PL 107-110, §722(g)(3)(E)(ii)]. The written explanation shall be complete, as brief

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as possible, simply stated, and provided in a language that the parent, guardian, or unaccompanied youth can understand.

4. If the dispute remains unresolved at the district level or is appealed, then the district homeless liaison shall forward all written documentation and related paperwork to the homeless liaison at the Office of Education. The Office of Education's homeless liaison will review these materials and determine the school selection or enrollment decision within five (5) working days of receipt of the materials. The Office of Education homeless liaison will notify the LEA and parent of the decision.
5. If the dispute remains unresolved or is appealed, the Office of Education's homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator. Upon the review of the LEA, Office of Education, and parent information, the California Department of Education will notify the parent of the final school selection or enrollment decision within five (5) working days of receipt of materials. The State Homeless Coordinator may be reached by phone at (916) 319-0383.

In conformance with the California Department of Education's recommendations, the Office of Education homeless liaison, in working with parents, guardians, and unaccompanied youths shall:

1. Inform parents, guardians, and unaccompanied youths that they can provide written or oral documentation to support their positions about school selection or enrollment.
2. Inform parents, guardians, and unaccompanied youths that they can seek the assistance of social services, advocates, and/or service providers in the dispute process.
3. Provide a simple dispute form that parents, guardians, or unaccompanied youths can complete and turn in to the liaison to initiate/appeal the dispute resolution process.
4. Provide a copy to the parents, guardians, or youths for their records when the dispute form is submitted.
5. Provide a copy to the parents, guardians, or youths for their records of the outcome of the dispute, even when the dispute is immediately resolved satisfactorily without a dispute hearing.

Reference:

California Department of Education Dispute Resolution Process Letter, April 7, 2005

Transportation

The Office shall arrange or provide transportation for a homeless student

to and from his/her school of origin when the parent/guardian requests that such transportation be provided.

The Office shall not be obligated to provide transportation to students who continue attending their school of origin after they cease to be homeless, unless the formerly homeless student has an individualized education program that includes transportation as a necessary related service for the student.

Transfer of Coursework and Credits

When a homeless student transfers into a county office program, the office shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the student to retake the course.

If the homeless student did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that he/she did not complete at his/her previous school. However, the Office may require the student to retake the portion of the course completed if, in consultation with the holder of educational rights for the student, the Office finds that the student is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a homeless student in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course.

Partial credits shall be awarded on the basis of 0.5 credits for every seven class periods attended per subject. If the school is on a block schedule class period attended shall be equal to two regular class periods per student. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the Office's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall the Office prevent a homeless student from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California.

Applicability of Graduation Requirements

To obtain a high school diploma, a homeless student shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the Governing Board.

However, when a homeless student who has completed his/her second year of high school transfers into an Office program from another school district he/she shall be exempted from all Office-adopted coursework and other Office-established graduation requirements, unless the Office makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of his/her fourth year of high school. Within 30 calendar days of the homeless student's transfer, the Superintendent or designee shall notify the student, the person holding the right to make educational decisions for him/her, and the liaison for homeless students of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer homeless.

To determine whether a homeless student is in his/her third or fourth year of high school, the Office shall use either the number of credits he/she has earned as of the date of the transfer or the length of his/her school enrollment, whichever qualifies him/her for the exemption.

The Superintendent or designee shall notify any homeless student who is granted an exemption, and the person holding the right to make educational decisions for him/her, how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges.

The Office shall not require or request a homeless student to transfer schools in order to qualify for an exemption and no request for a transfer solely to qualify for an exemption shall be made by a homeless student, the person holding the right to make educational decisions for the student, or the liaison on behalf of the student.

If the Superintendent or designee determines that a homeless student is reasonably able to complete the Office's graduation requirements within his/her fifth year of high school, he/she shall:

1. Inform the student and, if under 18 years of age, the person holding the right to make educational decisions for him/her, of the option available to the student to remain in school for a fifth year to complete the Office's graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution.
2. Provide information to the homeless student about transfer opportunities available through the California Community Colleges.

3. Upon agreement with the homeless student or with the person holding the right to make educational decisions for him/her if he/she is under 18 years of age, permit the student to stay in school for a fifth year to complete the Office's graduation requirements.

Notifications and Complaints

Any complaint that the Office has not complied with requirements regarding the education of homeless students, as specified in Education Coded 51225.1 or 51225.2, may be filed in accordance with the Office's Uniform Complaint Procedures.