

CSBA Sample Administrative Regulation

Instruction

AR 6173(a)

EDUCATION FOR HOMELESS CHILDREN

Note: The following administrative regulation is **mandated** pursuant to 42 USC 11432; see section on "Transportation" below.

Definitions

Note: The federal McKinney-Vento Homeless Assistance Act (42 USC ~~11431-11435~~ **11434a**) defines "homeless students" as provided below. This law applies to foster youth in certain circumstances (i.e., when they are living in emergency or transitional shelters ~~and when they are awaiting foster care placement~~) **but, as amended by P.L. 114-95, the definition of "homeless students" no longer includes youth who are awaiting foster care placement.** See BP/AR 6173.1 - Education for Foster Youth for state law regarding foster children.

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 accommodations; are living in emergency or transitional shelters; **or** are abandoned in hospitals; ~~or are awaiting foster care placement~~

(cf. 6173.1 - Education for Foster Youth)

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* **includes youth** who are not in the physical custody of a parent or guardian. **(20 USC 11434a)**

Note: **The following definition of "school of origin" generally reflects** Education Code 48852.7, ~~as added by SB 445 (Ch. 289, Statutes of 2015), adds the following definition of "school of origin"~~ which exceeds the definition in 42 USC 11432 and is consistent with the state definition of "school of origin" that applies to foster

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youth. However, as amended by P.L. 114-95, 42 USC 11432 includes preschools in the definition as provided below.

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School of origin means the school that the homeless student attended when permanently housed or the school in which he/she was last enrolled, including a preschool. 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 educational decisions for the student, and in the best interests of the homeless student, which school shall be deemed the school of origin. (Education Code 48852.7; 42 USC 11432)

Note: Education Code 48850 expresses legislative intent that the "best interest" of a homeless student or foster youth includes educational stability as well as placement in the least restrictive educational program, as provided below. Education Code 48853 further provides that the placement of a foster youth should consider the student's access to academic resources, services, and extracurricular and enrichment activities. For consistency with the definition of "best interest" applicable to foster youth (see AR 6173.1 - Education for Foster Youth), the following definition also reflects Education Code 48853.

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 district students. (Education Code 48850, 48853; 42 USC 11432)

District Liaison

Note: Pursuant to 42 USC 11432, districts are required to designate an appropriate staff person, who may also be a coordinator for other federal programs, as a district liaison for homeless students. The district should fill in the blanks below with the title or position, address, and phone number of the district liaison.

The Superintendent designates the following staff person as the district liaison for homeless students: (42 USC 11432)

Comment [WT1]: Updated to reflect designee

Associate Superintendent, Integrated Services
(title or position)
375 Reina Del Mar, Pacifica, CA 94044
(address)
(650) 738-6600
(phone number)

(email)

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Note: The duties of the district liaison for homeless students are listed in 42 USC 11432, as amended by P.L. 114-95, and are specified below. In its July 2004 Non-Regulatory Guidance Education for Homeless Children and Youth Program, the U.S. Department of Education (USDOE) gives some specific examples of activities that the liaison could perform in furtherance of these duties, such as assisting homeless children in enrolling in school and accessing school activities; obtaining immunization or medical records; informing parents/guardians, school personnel, and others of the rights of homeless children; working with school staff to make sure that homeless children are immediately enrolled in school pending resolution of disputes; and helping to coordinate transportation services. In addition, the Guidance Also see the U.S. Department of Education's (USDOE) Non-Regulatory Guidance Education for Homeless Children and Youths Program recommends that the district's liaison refer to and the Homeless Liaison Toolkit developed by the National Center for Homeless Education.

The district's liaison for homeless students shall: (Education Code 48852.5; 42 USC 11432)

1. Ensure that homeless students are identified by school personnel ~~and~~ through **outreach and coordinated coordination** activities with other entities and agencies

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 3553 - Free and Reduced-Price Meals)

(cf. 5141.6 - School Health Services)

2. Ensure that homeless students **are** enrolled in, and have a full and equal opportunity to succeed in, district schools
3. Ensure that homeless families and ~~students~~ **children and youth have access to and receive educational services for which they are eligible, including services through Head Start and Early Head Start programs, early intervention services under Part C of the federal Individuals with Disabilities Education Act, and other preschool programs administered by the district**

(cf. 5148.3 - Preschool/Early Childhood Education)

4. Ensure that homeless families and students receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services

(cf. 5141.6 - School Health Services)

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- 4.5.** 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

(cf. 5145.6 - Parental Notifications)

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- 5.6.** Disseminate notice of the educational rights of homeless students in district schools that provide services to homeless children and at places where they receive services, such as locations frequented by parents/guardians of homeless children and youth and by unaccompanied youth, including schools, family shelters, public libraries, and hunger relief agencies (soup kitchens). The rights shall be presented in a manner and form understandable to the parents/guardians of homeless students and unaccompanied youth.

- 6.7.** Mediate enrollment disputes in accordance with law, Board policy, and administrative regulation and the section "Resolving Enrollment Disputes" below

- 7.8.** Fully inform parents/guardians of homeless students and unaccompanied youth of all transportation services, including transportation to the school of origin, and assist them in accessing transportation to the school of choice

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

Note: P.L. 114-95 amended 42 USC 11432 to add the duties specified in items #9-10 below.

- 9.** Ensure that school personnel providing services to homeless students receive professional development and other support

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

- 10.** Ensure that unaccompanied youth are enrolled in school, have opportunities to meet the same challenging state academic standards established for other students, and are informed of their status as independent students under 20 USC 1087vv and that they may receive assistance from the district liaison to receive verification of their independent student status for purposes of applying for federal student aid pursuant to 20 USC 1090

11. Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless students, including the provision of comprehensive data to the state coordinator as required by law

Note: Pursuant to Education Code 48918.1, the district liaison must be notified before the expulsion hearing for a homeless student, when the student's alleged violation does not require a mandatory recommendation for expulsion; see AR 5144.1 - Suspension and Expulsion/Due Process. When so notified, the district liaison is expected to assist the student and, as necessary, advocate on the student's behalf.

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Furthermore, pursuant to Education Code 48915.5, if the homeless student has also been identified as an individual with a disability and the district has proposed a change of placement due to an act for which decision to recommend expulsion is discretionary, the district liaison must be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to the Individuals with Disabilities Education Act (20 USC 1415(k)).

8.~~In addition~~, when notified pursuant to Education Code 48918.1, **the district liaison shall** 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, **the district liaison shall** participate in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159 - Individualized Education Program)

~~10. Assist a homeless student to obtain records necessary for his/her enrollment into or transfer out of district schools, including immunization, medical, and academic records~~

Note: 42 USC 11432, as amended by P.L. 114-95, requires that the California Department of Education (CDE) publish a list of district liaisons on its web site. The CDE collects the name and contact information of district liaisons through the consolidated application process, along with information about district compliance with federal program requirements.

The Superintendent or designee shall inform homeless children and youth, their parents/guardians, school personnel, service providers, and advocates working with homeless families of the duties of the district's liaison. He/she shall also provide the name and contact information of the district's liaison to the California Department of Education (CDE) for publishing on the CDE's web site. (42 USC 11432)

Enrollment

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The district shall make placement decisions for homeless students based on the student's best interest. (42 USC 11432)

Note: 42 USC 11432, as amended by P.L. 114-95, specifies factors that must be considered in determining a student's best interest, as provided below.

In determining the best interest of the student, the district shall consider student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health, and safety, giving priority to the request of the student's parent/guardian or, in the case of an unaccompanied youth, the youth. (42 USC 11432)

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Note: **The following optional paragraph presents examples of factors that may be considered in making placement decisions based on a student's "best interest," and may be revised to reflect district practice.** In its Non-Regulatory Guidance Education for Homeless Children and Youth Program, the USDOE recommends that the placement determination be student-centered and individualized. The Guidance lists the following factors for the district to consider when making a determination of a student's "best interest." The following paragraph is **optional** and should be revised to include any other factors used by the district in making this determination.

When making a placement decision for a homeless student, the Superintendent or designee may consider Such factors may include, but are not limited to, 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. (42 USC 11432)

In the case of an unaccompanied youth, the liaison shall assist in placement or enrollment decisions, **consider give priority to** the views of the student, and provide notice to the student of his/her appeal rights. (42 USC 11432)

In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in his/her school of origin, unless **his/her the student's** parent/guardian **or the unaccompanied youth** requests otherwise. (Education Code 48852.7; 42 USC 11432)

Note: Education Code 48852.7, **as added by SB 445 (Ch. 289, Statutes of 2015),** and 42 USC 11432 require schools to immediately enroll homeless students as specified below. In its Non-Regulatory Guidance Education for Homeless Children and Youths Program, the USDOE recommends that the district take steps to facilitate immediate enrollment such as accepting school records directly from families, establishing school-based

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immunization clinics, and training staff on the legal requirements for immediate enrollment. See AR 5111.1 - District Residency.

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: (Education Code 48852.7; 42 USC 11432)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

2. Does not have clothing normally required by the school, such as school uniforms

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(cf. 5132 - Dress and Grooming)

3. Is unable to produce records 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~~ **records of immunization and other required health records**

(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5125 - Student Records)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

Note: P.L. 114-95 amended 42 USC 11432 to add the circumstance specified in item #4 below.

4. Has missed application or enrollment deadlines during any period of homelessness

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~~ **required health** 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, **screenings**, or records for the student. (42 USC 11432)

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian **or an unaccompanied youth**, the Superintendent or designee shall

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provide the parent/guardian **or the unaccompanied youth** with a written explanation of the decision along with a statement regarding the **parent/guardian's** right to appeal the placement decision. (42 USC 11432)

The student may continue attending his/her school of origin for the duration of the homelessness. (Education Code 48852.7; 42 USC 11432)

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: (Education Code 48852.7; **42 USC 11432**)

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

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designated for matriculation is in another school district, he/she shall be allowed to continue to the school designated for matriculation in that district.

Note: **42 USC 11432 and Education Code 48852.7 require that homeless students who become permanently housed during the school year be allowed to remain in the school of origin for the remainder of the school year.** Education Code 48852.7, ~~as added by SB 445 (Ch. 289, Statutes of 2015)~~, allows homeless students to remain in the school of origin, or matriculate to a feeder school, even if the student is no longer homeless. The district may revise the following list to reflect the grade levels and feeder school patterns in the 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: (Education Code 48852.7)

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

Resolving Enrollment Disputes

Note: **In the event that a dispute arises over the district's decision related to student eligibility, school selection, or enrollment, the district must comply with the requirements of 42 USC 11432 and the dispute resolution process established by the CDE. The CDE's process is described in a January 30, 2007 letter to districts, available on the CDE's web site. The CDE's letter does not specify a hearing process or timelines for the district-level dispute resolution process. Thus, the district may revise the following section to reflect district practice, provided that the process is consistent with law.**

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If a dispute arises over **student eligibility**, school selection, or enrollment in a particular school, **the matter shall be referred to the district liaison, who shall carry out the dispute resolution process as expeditiously as possible. (42 USC 11432)**

The parent/guardian **or unaccompanied youth** shall be provided with a written explanation of **the placement decision any decisions related to eligibility, school selection, or enrollment and of the right of the parent/guardian or unaccompanied youth to appeal such decisions. (42 USC 11432)**

Note: Pursuant to 42 USC 11432, when a dispute over school selection or enrollment exists between the district and a parent/guardian, the district must provide written explanation of its decision. The following **optional paragraph list** should be modified to reflect district practice. In its Non-Regulatory Guidance Education for Homeless Children and Youths Program, the USDOE recommends that the written explanation contain the elements specified below. See the accompanying Exhibit for a sample explanation and appeal form.

The written explanation shall include:

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- ~~1. The district liaison's contact information~~
- ~~2. A description of the district's placement decision~~
- ~~3. Notice of the student's right to enroll in the school of choice pending resolution of the dispute, including the right to fully participate in all school activities~~
- ~~4. Notice of the parent/guardian's right to appeal the decision to the county office of education and, if the dispute remains unresolved, to the California Department of Education~~
1. A description of the action proposed or refused by the district
2. An explanation of why the action is proposed or refused
3. A description of any other options the district considered and the reasons that any other options were rejected
4. A description of any other factors relevant to the district's decision and information related to the eligibility or best interest determination including the facts, witnesses, and evidence relied upon and their sources
5. Appropriate timelines to ensure any relevant deadlines are not missed

6. Contact information for the district liaison and state coordinator, and a brief description of their roles

The written explanation shall be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand.

Note: The following optional paragraph is recommended in the USDOE's Non-Regulatory Guidance Education for Homeless Children and Youths Program.

The district liaison may use an informal process as an alternative to formal dispute resolution procedures, provided that the parents/guardians or unaccompanied youth have access to the more formal process if informal resolution is not successful in resolving the matter.

Note: The following optional paragraph is recommended by the CDE: in the CDE's January 30, 2007 letter to districts.

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EDUCATION FOR HOMELESS CHILDREN (continued)

In working with a student's parents/guardians **or unaccompanied youth** to resolve an enrollment dispute, the district liaison shall:

1. Inform them that they may provide written and/or oral documentation to support their position
2. Inform them that they may seek the assistance of social services, advocates, and/or service providers in having the dispute resolved
3. Provide them a simple form that they may use and turn in to the school to initiate the dispute resolution process
4. Provide them a copy of the dispute form they submit for their records
5. Provide them the outcome of the dispute for their records

If a parent/guardian **or unaccompanied youth** disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within five working days.

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Note: In its January 30, 2007 letter to districts, the CDE describes the process for appealing a district's enrollment decision to the county office of education and the CDE. Upon receipt of materials describing the dispute from the district, the county office liaison will determine the school selection or enrollment decision within five working days. If the dispute remains unresolved or is appealed, the county office liaison will forward the documentation to the state homeless coordinator who will notify the parent/guardian of the final school selection or enrollment decision within five working days.

~~The CDE's letter does not specify a timeline for the district liaison to make a determination of the enrollment decision, nor does it specify a hearing process at the district level. The following optional paragraph should be revised to reflect district practice.~~

If the parent/guardian chooses to appeal the district's placement decision, the district liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education.

Note: 42 USC 11432, as amended by P.L. 114-95, provides that during any dispute over a student's enrollment, the student must be allowed to be enrolled in the school during the period of all appeals. 42 USC 11434a defines "enrollment" as including attendance in classes and participation in school activities.

Pending **final** resolution of the dispute, **including all available appeals**, the student shall be immediately **admitted to enrolled in** the school in which enrollment is sought **pending resolution of the dispute, and shall be allowed to attend classes and participate fully in school activities.** (42 USC 11432, **11434a**)

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Transportation

Note: 42 USC 11432 **mandates** that districts adopt policies and practices to ensure that transportation is provided to homeless students, at the request of their parent/guardian **or of the district liaison in the case of an unaccompanied youth**, to and from their school of origin as specified below.

In its Non-Regulatory Guidance Education for Homeless Children and Youths Program, the USDOE states that the law imposes an affirmative obligation to transport homeless students, even if transportation is not provided to other students. The Guidance clarifies that, because the State of California receives funds under McKinney-Vento, all districts in California are subject to this requirement.

Federal law does not address the authorization provided by Education Code 39807.5 for the district to charge for the cost of home-to-school transportation. However, it is likely that most homeless students would be identified as indigent and would therefore be exempt from transportation costs. See AR 3250 - Transportation Fees.

The district shall provide transportation for a homeless student to and from his/her school of origin when the student is residing within the district and the parent/guardian, **or the district liaison in the case of an unaccompanied youth**, requests that such transportation be provided. If the student moves outside of district boundaries, but continues to attend his/her school of origin within this district, the Superintendent or designee shall consult with the superintendent of

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the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

Note: Education Code 48852.7, **as added by SB 445 (Ch. 289, Statutes of 2015)**, requires that the district provide transportation to a formerly homeless student with an individualized education program that provides for transportation as a related service. Education Code 48852.7 does not supersede or exceed other laws governing special education services for eligible homeless students.

The following paragraph may be revised if the district chooses to provide transportation to other formerly homeless students attending their school of origin.

The district 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. (Education Code 48852.7)

Transfer of Coursework and Credits

Note: The following section is for use by districts maintaining high schools.

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~~When a homeless student transfers into a district school, the district 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. (Education Code 51225.2)~~

~~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 district 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 district 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. (Education Code 51225.2)~~

Note: Although Education Code 51225.2 requires districts to award partial credits to homeless students who transfer from school to school, there is no uniform system for calculating and awarding partial credits. A recommendation for how to award partial credit is available in the California Child Welfare Council's Partial

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Credit Model Policy and Practice Recommendations and should be revised to reflect district practice.

~~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, each block schedule class period attended shall be equal to two regular class periods per subject. Partial credits and grades earned by a student shall be included on the student's official transcript within two business days of the district's notification of the student's transfer, as required under Education Code 49069.5.~~

~~In no event shall the district 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. (Education Code 51225.2)~~

(cf. 6143 - Courses of Study)

Applicability of Graduation Requirements

Note: The following section is for use by districts maintaining high schools. Also see BP 6146.1 - High School Graduation Requirements.

Education Code 60851.5, ~~as added by SB 172 (Ch. 572, Statutes of 2015)~~, provides that the administration of the California High School Exit Examination and the requirement that each student completing grade 12 successfully pass the exam as a condition of receiving a diploma or a condition of graduation from high school are suspended for the 2015-16, 2016-17, and 2017-18 school years.

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~~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.~~

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

Note: Pursuant to Education Code 51225.1, homeless students who transfer after the second year of high school are exempted from locally established high school graduation requirements in the same manner as foster youth who transfer in the same grades. The district is required to notify the homeless student, the person holding rights to make educational decisions for the student, and the district liaison of the availability of this exemption and whether the student qualifies for it. As amended by AB 1166 (Ch. 171, Statutes of 2015), Education Code 51225.1 provides that, if the district fails to provide this notification, a student who qualifies for the exemption will be eligible for the exemption once he/she is notified, even if that notification is received after the student is no longer homeless.

~~However, when a homeless student who has completed his/her second year of high school~~

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~~transfers into the district from another school district or transfers between high schools within the district, he/she shall be exempted from all district adopted coursework and other district established graduation requirements, unless the district 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 district 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. (Education Code 51225.1)~~

~~To determine whether a homeless student is in his/her third or fourth year of high school, the district 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. (Education Code 51225.1)~~

~~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. (Education Code 51225.1)~~

~~The district 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 district liaison on behalf of the student. (Education Code 51225.1)~~

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~~If a homeless student is exempted from local graduation requirements, the exemption shall continue to apply after the student is no longer homeless or if he/she transfers to another school or school district. (Education Code 51225.1)~~

~~If the Superintendent or designee determines that a homeless student is reasonably able to complete district graduation requirements within his/her fifth year of high school, he/she shall: (Education Code 51225.1)~~

- ~~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 district's graduation requirements and how that will affect his/her ability to gain admission to a postsecondary educational institution~~

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- ~~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 district's graduation requirements~~

Eligibility for Extracurricular Activities

Note: The following paragraph is required pursuant to Education Code 48850. See BP 6145 - Extracurricular and Cocurricular Activities for additional eligibility requirements.

A homeless student who enrolls in any district school shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Notification and Complaints

Note: Education Code 51225.1 and 51225.2, as amended by AB 379 (Ch. 772, Statutes of 2015), require that specified educational rights of homeless students be included in the annual uniform complaint procedures notification distributed pursuant to 5 CCR 4622.

Information regarding the educational rights of homeless students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

AR 6173(o)

EDUCATION FOR HOMELESS CHILDREN (continued)

Note: AB 379 (Ch. 772, Statutes of 2015) amended Education Code 51225.1 and 51225.2 to provide that complaints of noncompliance with specified requirements related to the educational rights of homeless students may be filed in accordance with the uniform complaint procedures specified in 5 CCR 4600-4687. As with other complaints covered under the uniform complaint procedures, a complainant may appeal the district's decision to the CDE and, if the district or CDE finds any merit in the complaint, the district must provide a remedy to the affected student. See BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint that the district has not complied with requirements regarding the education of homeless students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Attachment G- AR 6173 Education for Homeless Children
Use CSBA Sample with Revisions

(12/14 12/15) 10/16

Policy Reference UPDATE Service
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