

CSBA Sample

Administrative Regulation

Education For Homeless Children

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Accepted

AR 6173
Instruction

Definitions

***Note: The federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435) provides the following definitions. This law may apply 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); 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: (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; 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 who are not in the physical custody of a parent or guardian

School of origin means the school that the student attended when permanently housed or the school in which the student was last enrolled. (42 USC 11432)

Best interest means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian. (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 Superintendent designates the following staff person as the district liaison for homeless students: (42 USC 11432)

Associate Superintendent
(title or position)
375 Reina del Mar
(address)
65-738-6600
(phone number)

***Note: The duties of the district's liaison for homeless students are listed in 42 USC 11432 and are specified below. In its 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 recommends that the district's liaison refer to 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 coordinated 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 enroll in, and have a full and equal opportunity to succeed in, district schools

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

(cf. 5145.6 - Parental Notifications)

***Note: In addition to other locations specified in item #5 below, Education Code 48852.5, as amended by SB 177 (Ch. 491, Statutes of 2013), requires the dissemination of the notice of educational rights of homeless students in district schools that serve such children. ***

Comment [WT1]: Amendment to law

5. 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 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

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

***Note: Pursuant to Education Code 48918.1, as amended by AB 1806 (Ch. 767, Statutes of 2014), 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. ***

Comment [WT2]: Amendment to law

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

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

***Note: Pursuant to Education Code 48915.5, as amended by AB 1806 (Ch. 767, Statutes of 2014), 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)). ***

Comment [WT3]: Amendment to law

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

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

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

Enrollment

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

The student may continue attending his/her school of origin for the duration of the homelessness or, if the student moves into permanent housing, until the end of any academic year in which he/she moves into permanent housing. (42 USC 11432)

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

***Note: 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 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)

***Note: 42 USC 11432 requires schools to immediately enroll homeless students as specified below. In its Non-Regulatory Guidance Education for Homeless Children and Youth Program, the USDOE recommends that the district take steps to facilitate immediate enrollment such as accepting school records directly from families, establishing school-based 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, even if the parent/guardian is unable to provide the school with the

records normally required for enrollment. (42 USC 11432)

(cf. 5111.1 - District Residency)

(cf. 5125 - Student Records)

(cf. 5141.31 - Immunizations)

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. (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, 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. (42 USC 11432)

Resolving Enrollment Disputes

If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute. (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. In its Non-Regulatory Guidance Education for Homeless Children and Youth Program, the USDOE recommends that the written decision contain the elements specified below. The following optional paragraph should be modified to reflect district practice. See the accompanying Exhibit for a sample explanation and appeal form. ***

The parent/guardian shall be provided with a written explanation of the placement decision, which shall be complete, as brief as possible, simply stated, and provided in language that the parent/guardian or student can understand. The written explanation shall include:

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

The district liaison shall work to resolve an enrollment dispute as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)

***Note: The following optional paragraph is recommended by the California Department of Education (CDE). ***

In working with a student's parents/guardians 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 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.

***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. ***

***Note: 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.

Transfer of Coursework and Credits

***Note: The following section is for use by districts maintaining high schools. Education Code 51225.2, as amended by AB 1806 (Ch. 767, Statutes of 2014), addresses the transferability of coursework and credits completed by homeless students, as specified below. ***

***Note: Although Education Code 51225.2, as amended by AB 1806 (Ch. 767, Statutes of 2014), 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 Credit Model Policy and Practice Recommendations and should be revised to reflect district practice. ***

(cf. 6143 - Courses of Study)

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

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)

***Note: Pursuant to Education Code 51225.1, as amended by AB 1806 (Ch. 767, Statutes of 2014), homeless students who transfer in grades 11 and 12 are exempted from locally established high school graduation requirements in the same manner as foster youth who transfer in the same grades. This exemption does not apply to state graduation requirements for course completion or the high school exit examination. ***

***Note: Pursuant to Education Code 51225.1, as amended by AB 1806 (Ch. 767, Statutes of 2014), a district may allow a homeless student to remain in high school for a fifth year to enable him/her to complete the district's graduation requirements, as provided below. ***

Eligibility for Extracurricular Activities

***Note: The following paragraph is required pursuant to Education Code 48850, as amended by SB 177 (Ch. 491, Statutes of 2013). 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.

Attachment L

(Education Code 48850)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(7/02 7/05) 12/14