

EDUCATION FOR HOMELESS CHILDREN AND YOUTH**A. Definitions**

Homeless means students who lack a fixed, regular and adequate nighttime residence, and include: (42 USC 11434a)

1. Children and youth 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.
2. Children and youth 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. Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings.
4. Runaway, pushed out, unaccompanied youth or migratory children who qualify as homeless because they are living in conditions described in 1-3 above.

Unaccompanied youth means a youth not in the physical custody of a parent or guardian.

School of selection means the school of origin, or the school of residence.

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 LEA homeless liaison shall determine, in consultation 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).

Enrollment means attending classes and participating fully in school activities.

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

B. Homeless Liaison

The County Superintendent shall appoint a Homeless Liaison that can carry out his or her duties. The Homeless Liaison shall ensure that: (42 USC 11432)

1. Homeless students are promptly identified by school personnel and through coordinated activities with other entities and agencies.
2. Homeless students enroll in, and have a full and equal opportunity to succeed in, its schools and programs.

3. Homeless families and students receive educational services for which they are eligible.
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children.
5. Notice of the educational rights of homeless children is disseminated at places where children receive services, such as schools, shelters, and local motels or locations homeless families inhabit.
6. Enrollment disputes are mediated in accordance with the law, board policy, and administrative regulation.
7. Parents/Guardians are fully informed of all transportation services.
8. Assist, facilitate, or represent a homeless student who is undergoing a disciplinary proceeding that could result in his/her expulsion when notified pursuant to Education Code 48918.1.
9. Participate in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability when notified pursuant to Education Code 48915.5
10. Assist a homeless student to obtain records necessary for his/her enrollment into or transfer out of County schools, including immunization, medical, and academic records.

The liaison will also review and recommend amendments to MCOE policies that may act as barriers to the enrollment of homeless students.

C. Enrollment

Placement decisions for homeless students shall be 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 request otherwise. (Education Code 48852.7; 42 USC 11432).

When making a placement decision, the liaison 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. 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).

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 liaison 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).

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

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

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.

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. (42 USC 11432).

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:

1. The parent/guardian is unable to provide the school with the records normally required for enrollment.
2. Does not have clothing normally required by the school, such as school uniforms.
3. Has outstanding fees, fines, textbooks, or other items or monies due to the school previously attended.
4. 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 (Education Code 48852.7; 42 USC 11432).

D. School Selection and/or Enrollment Dispute Resolution Process

Below are five components for resolving disputes regarding school selection and enrollment for homeless children and youth.

1. If a dispute arises over school selection or enrollment in a particular school program related to school of origin or school of residence, the child/youth shall be immediately enrolled in the school in which he/she is seeking enrollment, pending resolution of the dispute. (42 USC 11432)
2. The parent/guardian shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the Homeless Liaison. The liaison must also ensure that the dispute resolution process is also followed for unaccompanied youth (42 USC 11432).
3. A written explanation of the school 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. The written explanation shall be complete, as brief as possible, 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 MCOE homeless liaison. The MCOE 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 MCOE homeless liaison will notify the school district and the parent of the decision.

5. If the dispute remained unresolved or is appealed, the MCOE homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator. Upon review of the district, MCOE, and parent information, the State Homeless Coordinator will notify the parent of the final school selection or enrollment decision within ten (10) working days of receipt of related materials.

If the dispute remains unresolved or if the parent/guardian is not satisfied with the County Liaison decision, the parent/guardian may appeal to the State Homeless Coordinator at the California Department of Education (CDE) within (5) working days to:

The California Department of Education
c/o Homeless State Coordinator
1430 N Street
Sacramento, CA 95814
(916) 319-0383

E. California Department of Education's (CDE) Recommendations

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.

F. Transportation

The LEA shall provide transportation for a homeless student to and from his/her school/preschool of origin when the student is residing within the LEA and the parent/guardian requests that such transportation be provided because it is a barrier to the student attending school every day and on time. If the student moves outside of the LEA boundaries, but continues to attend his/her school of origin, then both LEAs must determine how to divide the responsibility and share the cost, or they must share the cost equally. (42 USC 11432).

The LEA shall provide transportation to students who continue attending their school of origin *including until the end of the year* when the student obtains permanent housing, at a parent or guardian's request (or at the liaison's request for unaccompanied youth). (42 USC 11432 Reauthorized December 10, 2015 by Title IX, Part A of the Every Student Succeeds Act).

G. Transfer of Coursework and Credits

When a homeless student transfers into a county office program, MCOE 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, MCOE may require the student to retake the portion of the course completed if, in consultation with the holder of educational rights for the student, MCOE 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).

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. (Education Code 51225.2).

H. 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 a MCOE program from another school district he/she shall be exempted from all MCOE-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 (Education Code 51225.1).

To determine whether a homeless student is in his/her third or fourth year of high school, MCOE 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).

MCOE 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 (Education Code 51225.1).

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 (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 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.

I. Notifications and Complaints

Any complaint that the Office 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 Office's Uniform Complaint Procedures.

J. Services

Homeless students will be provided any services for which they are eligible, including Head Start and comparable pre-school programs, Title I, similar state programs, special education, and school nutrition programs.

The liaison will ensure that parents and guardians of homeless students are informed of the educational and related opportunities available to their children, including transportation to and from the school of origin, and that parents and guardians are provided with meaningful opportunities to participate in their children's education.

The liaison will ensure that homeless students receive referrals to health care, dental, mental health, and other appropriate services.

MCOE will maintain records for homeless students who attend MCOE programs, as are ordinarily kept for all students, such that the records are available in a timely fashion when the student enters a new school or district.

MENDOCINO COUNTY BOARD OF EDUCATION

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