

CLASSIFICATION: Philosophy-Goals-Comprehensive Plans **ADOPTED:** 2/24/09

REVISED: 4/5/18

SUBJECT: Education for Homeless Children
and Youth

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The County Superintendent of Schools recognizes his/her responsibility to provide services that support the provision of a free, appropriate public education to homeless children and youth in San Diego County as mandated by the McKinney-Vento Homeless Education Assistance Act (McKinney-Vento).

The services established in this administrative regulation shall apply to students, teachers, coordinators, liaisons and other employees at any school or in any school program under the jurisdiction of the County Superintendent of Schools.

The responsibility for implementation and maintenance of this administrative regulation shall be assigned to the assistant superintendent, Student Services and Programs, or his/her designee(s).

Definitions

Best Interest: in making educational and school placement decisions for a homeless student the local educational agency (LEA) shall:

1. Keep homeless children or youth in the school of origin, presuming that it is in the best interest of the child; except when doing so it is contrary to the wishes of the child's or youth's parent or guardian; be maintained for the duration of homelessness and for the remainder of the academic year when the student becomes permanently housed;
2. Provide a written explanation, including a statement regarding the right to appeal, to the homeless child's or youth's parent or guardian, if the LEA sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and
3. In the case of an unaccompanied youth, ensure that the homeless liaison assists in placement or enrollment decisions under this subparagraph, gives priority to the request of such unaccompanied youth, and provides notice to the youth of the right to appeal.

Enrollment: attending classes and participating fully in school activities

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Homeless Students: individuals who lack a fixed, regular and adequate nighttime residence and include the following:

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; 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, bus or train stations, or similar settings
4. Runaway, pushed out, unaccompanied youth or migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above

School of Origin: 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 that he/she is connected with, the LEA homeless liaison shall determine which school shall be deemed the school of origin. Prior to determination, the LEA homeless liaison shall consult with the parent or unaccompanied youth. His/her determination shall always be in the best interests of the homeless student.

When a student completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools.

School of Residence: any public school that students living in (where the student is currently spending their nights) the same attendance area are eligible to attend.

School of Selection: the school of origin or the school of residence.

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

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The SDCOE Homeless Education Services Program provides technical and support services to all school districts, and charter schools homeless liaisons. The SDCOE homeless liaison shall provide services that include but are not limited to:

1. Training that outlines procedures to ensure homeless students:
 - a. Receive immediate enrollment in school, even if they are lacking paperwork normally required for enrollment, such as proof of residency, proof of guardianship, immunization or other health records, previous school records, or birth certificate;
 - b. Are enrolled in school immediately if they are an unaccompanied youth (youth not in the physical custody of a parent or guardian), that do not have a parent or guardian to enroll them;
 - c. Attend one of two schools: their school of origin or their local school;
 - d. Are provided transportation or assistance with transportation if it is considered a barrier to attendance;
 - e. Receive equal access to all programs including Special Education, Migrant Education, English Language Development programs, and Gifted and Talented programs;
 - f. Automatically qualify for free and reduced price meals; and
 - g. Automatically qualify for Title I services even if they do not attend a Title I school.
2. Guidance on all mandates relating to the unaccompanied youth at their sites
3. Ongoing updates regarding California and federal legislation around the education of children experiencing homelessness
4. Resources providing assistance to LEAs in the development of board policies and administrative regulations to ensure compliance with all mandates including the establishment of a local dispute resolutions process
5. Technical assistance to districts and school site personnel with identification, outreach and enrollment strategies and materials
6. Ongoing guidance and interpretation of state and federal legislation for district and school site personnel who have questions regarding specific situations

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SDCOE gathers data on all students experiencing homelessness throughout San Diego County, including the enrollment of these students by grade level and subgroups. This data shall be made available to all community stakeholders and is reported to the California Department of Education (CDE).

SDCOE collaborates with various community agencies, educational agencies and Child Welfare, to identify, enhance and coordinate basic need services (i.e. food, clothing, and school and personal supplies) for students and families.

San Diego County Office of Education (SDCOE) Juvenile Court and Community Schools (JCCS)

The County Superintendent or his/her 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 liaisons. He/she shall also provide the name and contact information of the district liaisons to the CDE for publishing on CDE's web site.

The district liaison for SDCOE JCCS homeless students shall ensure that:

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, including preschool and early intervention services under Part C of the federal Individuals with Disabilities Education Act (IDEA)
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
5. 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

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6. Notice of the educational rights of homeless children is disseminated at places where children receive services, including schools, shelters, public libraries and soup kitchens
7. Enrollment disputes are mediated in accordance with law, and the section "Resolving Enrollment Disputes" below
8. Parents/guardians are fully informed of all transportation services, and are assisted in gaining access to transportation to and from the school of origin or the current attendance area
9. 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
10. School personnel providing services to homeless students receive professional development and other support
11. Ensure that unaccompanied youth are:
 - a. Enrolled in school;
 - b. Have opportunities to meet the same challenging state academic standards established for other students;
 - c. Informed of their status as independent student under 20 USC 1087vv; and
 - d. Informed 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.
12. Participate in an individualized education program (IEP) team meeting to make a manifestation determination regarding the behavior of a student with a disability when notified pursuant to Education Code 48915.5
13. Assist a homeless student to obtain records necessary for his/her enrollment into or transfer out of County schools, including immunization, health, and academic records
14. Coordinate and collaborate with state and county 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

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. When notified pursuant to Education

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Code 48915.5, the district liaison shall participate in an IEP team meeting to make a manifestation determination regarding the behavior of a student with a disability.

Information about a homeless student's living situation shall be considered part of a student's educational record, subject to the Family Educational Rights and Privacy Act (FERPA) and shall not be deemed directory information as defined in 20 USC 1232g.

Each homeless student shall be provided services that are comparable to services offered to other students in the school. These services include, but are not limited to, transportation, educational programs for which the student meets the eligibility criteria (such as federal Title I services or similar state or local programs, programs for students with disabilities, and educational programs for English learners), career and technical education programs, programs for gifted and talented students, and school nutrition programs.

Enrollment

Homeless children and youth frequently move, and maintaining a stable school environment is critical to their success in school. To ensure school stability, LEAs, which includes JCCS, must make school placement determinations on the basis of the "best interest" of the homeless child or youth based on student-centered factors. Using this standard, an LEA must:

1. In determining the best interest of the student, the district must presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the parent or guardian
2. Continue the child or youth's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year
3. 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. Other such factors may include, but are not limited to:
 - a. The age of the student

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- b. The distance of the commute and the impact it may have on the student's education
 - c. Personal safety issues
 - d. The student's need for special instruction
 - e. The length of anticipated stay in the temporary shelter or other temporary location
 - f. Likely area of future housing
 - g. School placement of siblings
 - h. The time remaining in the school year
4. Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend

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

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 by the school, such as school uniforms
3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and records of immunization and other required health records
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 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 other required health records for the student.

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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 his/her designee shall provide the parent/guardian or the unaccompanied youth with a written explanation of the decision. A statement regarding the right to appeal the placement decision must be included in the written explanation.

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

Transportation

The LEA shall provide or arrange transportation for a homeless student to and from the school of origin when the student is residing within the LEA and the parent/guardian requests that such transportation be provided.

If the homeless student moves to an area served by another LEA, though continuing his or her education at the school of origin, the LEA of origin and the LEA in which the student is living must agree upon a method to apportion responsibility and costs for transportation to and from the school of origin . If the LEA's cannot agree upon such a method, the responsibility must be shared equally.

Transportation must be arranged promptly to ensure immediate enrollment and so as not to create barriers to homeless students' attendance, retention, and success.

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Resolving Enrollment Disputes

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.

The parent/guardian or unaccompanied youth shall be provided with a written explanation of any decisions related to eligibility, school selection, or enrollment and of the right of the parent/guardian or unaccompanied youth to appeal such decisions.

The written explanation shall include:

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.

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.

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

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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.

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 SDCOE.

Pending final resolution of the dispute, including all available appeals, the student shall be immediately enrolled in the school in which enrollment is sought and shall be allowed to attend classes and participate fully in school activities.

Disputes arising between or among the school district of residency, another school district, or the parent, homeless youth, or personal in parental relationship to the homeless student, regarding the school that the child shall attend or the educational placement of the homeless student shall be resolved through the following procedures:

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.
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.
4. The written explanation shall be complete, as brief as possible, simply stated, and provided in a language that the parent, guardian, or unaccompanied youth can understand.
5. If a dispute remains unresolved at the district level or is appealed, then the district homeless liaison shall forward all written documentation and related

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paperwork to the homeless liaison at SDCOE. Once the SDCOE Homeless liaison reviews the materials, he/she then submits these materials to the SDCOE homeless liaison/Director of Homeless Education Services who will then determine the school selection or enrollment decision within five working days of receipt of the materials. The SDCOE homeless liaison will notify the LEA and parent of the decision. Contact information for COE's homeless liaisons is located at <http://www.cde.ca.gov/sp/hs/cy/>.

6. If the dispute remains unresolved or is appealed, the SDCOE homeless liaison shall forward all written documentation and related paperwork to the State Homeless Coordinator. Upon the review of the LEA, SDCOE, and parent information, the CDE will notify the parent of the final school selection or enrollment decision within 10 working days of receipt of materials.

Transfer of Coursework and Credits

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.

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 parent, 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.

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.

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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.

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 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. A homeless student may not be exempt from the above if 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, parent, and district liaison of the availability of exemption and if the student qualifies. 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 district shall use 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 parent 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 district shall not require or request a homeless student to transfer schools in order to qualify for an exemption. In addition, a homeless student, the parent, or the district liaison on behalf of the student shall make no request for a transfer solely to qualify for an exemption.

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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.

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:

1. Inform the student and, if under 18 years of age, the parent, 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
2. Provide information to the homeless student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the homeless student or the parent, 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
4. An unaccompanied youth shall have the same options, as described above, available with the district liaison providing guidance

Eligibility for Extracurricular Activities

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, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels.

Notification and Complaints

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.

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,

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may be filed in accordance with the district's procedures in Administrative Regulation number 1312.3 - Uniform Complaint Procedures.

Board Policy: 0320

Legal References: Education Code
39807.5, 48850, 48852.5, 48852.7, 48853, 48915.5, 48918.1, 49069.5,
51225.1-51225.3, 52060-52077
California Code of Regulations, Title 5
4600-4687
United States Code, Title 20
1087vv, 1232g, 6311
United States Code, Title 42
11431-11435 McKinney-Vento Homeless Education Assistance Improvements
Act of 2001, 12705

Management Resources:

California Child Welfare Council Publications: *Partial Credit Model Policy and Practice Recommendations*

California Department of Education Publications: *Homeless Education Dispute Resolution Process, January 30, 2007*

National Center for Homeless Education Publications: *Homeless Liaison Toolkit, 2013*

U.S. Department of Education Guidance: *Dear Colleague Letter, July 27, 2016; Education for Homeless Children and Youths Program, Non-Regulatory Guidance, July 2016*

Web Sites:

California Child Welfare Council:

<http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx>

California Department of Education, Homeless Children and Youth

Education: <http://www.cde.ca.gov/sp/hs/cy>

National Center for Homeless Education at SERVE:

<http://www.serve.org/nche>

National Law Center on Homelessness and Poverty: <http://www.nlchp.org>

U.S. Department of Education:

<http://www.ed.gov/programs/homeless/index.html>