

Administrative Regulation

Instruction

AR 6173

Education for Homeless Children

Definitions

Note: 42 USC 11432 and 11434a provide the following definitions. The requirements of these laws 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 means students who lack a fixed, regular, and adequate nighttime residence and includes: (42 USC 11434a)

1. Children and youths 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. Children and youths 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 youths 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 the children are living in conditions described in (1)-(3) above

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)

Unaccompanied youth means a youth not in the physical custody of a parent or guardian. (42 USC 11434(a))

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)

(title or position)

(address)

(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, issued July 2004, the U.S. Department of Education 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 Local Homeless Liaison Toolkit developed by the National Center for Homeless Education.

The district's liaison for homeless students shall ensure that: (42 USC 11432)

1. 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 - Student Health and Social Services)
2. Homeless students enroll in, and have a full and equal opportunity to succeed in, district schools
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 soup kitchens
6. Enrollment disputes are mediated in accordance with law, Board policy, and administrative regulation
7. Parents/guardians are fully informed of all transportation services
(cf. 3250 - Transportation Fees)
(cf. 3541 - Transportation Routes and Services)

Enrollment

Note: Pursuant to 42 USC 11432, placement determinations for homeless students must be made according to the student's "best interest," as defined above. Generally, 42 USC 11432 provides that, when determining "best interest," the district must place the student in the "school of origin," unless the parent/guardian requests otherwise.

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 requests otherwise. (42 USC 11432)

Note: In its Non-Regulatory Guidance Education for Homeless Children and Youth Program, issued July 2004, the U.S. Department of Education 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, 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.

The student may continue attending his/her school of origin for the duration of the homelessness and 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 district's homeless 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)

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)

Note: 42 USC 11432 requires district schools to immediately enroll homeless students as specified below. In its Non-Regulatory Guidance Education for Homeless Children and Youth Program, issued July 2004, the U.S. Department of Education 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 5111.13 - Residency for Homeless Children.

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. 5111.13 - Residency for Homeless Children)
(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's liaison for homeless students. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student. (42 USC 11432)

Enrollment Dispute Resolution Process

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)

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 district liaison. (42 USC 11432)

Note: The California Department of Education (CDE) recommends that districts allow parents/guardians to provide either written or oral documentation to support their position.

The district liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)

Note: The CDE recommends that the district provide parents/guardians copies of records, as specified below.

The liaison shall provide the parent/guardian a copy of the district's decision, dispute form, and a copy of the outcome of the dispute.

***Note: Pursuant to 42 USC 11432, the CDE must submit to the federal government a plan to provide for the education of homeless children in California. On April 7, 2005, the CDE sent a letter to districts describing such a plan. The CDE's process authorizes appeals of 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 paragraph should be revised to reflect district practice. ***

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 ten (10) working days.

If the parent/guardian wishes 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.

(7/02) 7/05

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