

6000 INSTRUCTION

6173 - PROGRAM OF INSTRUCTION

Education for Homeless Children

MCOEP 6173

The Madera County Superintendent of Schools (MCSOS) and the Madera County Board of Education desire to ensure that homeless students have access to the same free and appropriate public education provided to other students within the Madera County Superintendent of Schools' programs. MCSOS shall provide homeless students with access to education and other services necessary for these students to meet the same challenging academic standards as other students.

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way.

The Superintendent or designee shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulation.

LEGAL REFERENCES
Education Code: 1980-1986, 2558.2, 39807.5
United States Code: Title 42: (42 USC 11432) 11431-11435 McKinney-Vento Homeless Assistance Act
U.S. Department of Education Guidance Education for Homeless Children and Youth Program, Non-Regulatory Guidance, July 2004

Adopted: September 14, 2010
Revised: June 20, 2023

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Definitions

The term homeless children and youth means individuals who lack a fixed, regular, and adequate nighttime residence and includes: (42 United States Code [42 U.S.C.] Section 11434a; *EC* Section 48852.7)

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 abandoned in hospitals;
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 the children are living in conditions described above.
5. Unaccompanied youth who are not in the physical custody of a parent or guardian.

The term school of origin means the school that the homeless student attended when permanently housed or the school in which the student was last enrolled. If the school the homeless student attended when permanently housed is different from the school in which the student was last enrolled, or if there is some other school that the student attended within the preceding 15 months and with which the student 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. (42 U.S.C. Section 11432[g][3][I]; *EC* Section 48852.7)

When determining the best interest 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 students (42 U.S.C. Section 11432[g][3][B]; *EC* Sections 48850, 48853).

Local Educational Agency Liaison

The Superintendent designates the following staff person as the county liaison for homeless students (42 U.S.C. Section 11432[g][6][A]):

School Counselor, Career and Alternative Education Services

(Title or Position)

1105 S. Madera Ave., Madera, CA 93637

(Address)

(559) 662-3842

(Phone Number)

erodriguez@mcsos.org

(E-mail)

The county's liaison(s) for homeless students shall (42 U.S.C. Section 11432[g][6][A]; EC Section 48852.5):

1. Ensure that homeless students are identified by school personnel and through coordinated activities with other entities and agencies;
2. Ensure that homeless students enroll in, and have a full and equal opportunity to succeed in, Madera County Superintendent of Schools programs;
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;
5. Disseminate notice of the educational rights of homeless students in LEA schools/programs that provide services to homeless children and at places where children receive services, such as schools, family shelters, and hunger relief agencies (soup kitchens);
6. Mediate enrollment disputes in accordance with law, MCSOS policy, and administrative regulation;
7. Fully inform parents/guardians of all transportation services.
8. When notified pursuant to EC Section 48918.1, assist, facilitate, or represent a homeless student who is undergoing a disciplinary proceeding that could result in the student's expulsion;
9. When notified pursuant to EC Section 48915.5, participate in an individualized education program team meeting to make a manifestation determination regarding the behavior of a student with a disability.
10. Assist a homeless student to obtain records necessary for the students 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 (42 U.S.C. Section 11432[g][3][B]; EC Section 48852.7).

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.

The student may continue attending the students' 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.

However, placement decisions shall not be based on whether a homeless student lives with the students' homeless parent/guardian or has been temporarily placed elsewhere.

In the case of an unaccompanied youth, the liaison(s) shall assist in placement or enrollment decisions, consider the views of the student, and provide notice to the student of their appeal rights.

In determining a student's best interest, a homeless student shall, to the extent feasible, be placed in the student's school of origin, unless the students parent/guardian requests otherwise.

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 the student:

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 medical records, including, but not limited to, records or other proof of immunization history.

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 MCSOS Liaison for homeless students. The liaison(s) shall assist the parent/guardian, or if the student is an unaccompanied youth, in obtaining the necessary immunizations or records for the student.

If the student is placed at a school other than the student's school of origin or the school requested by the student's 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. The student may continue attending the student's school of origin for the duration of the homelessness (42 U.S.C. Section 11432; EC Section 48852.7).

To ensure that the homeless student has the benefit of matriculating with the student's peers in accordance with the established feeder patterns, the following shall apply (EC Section 48852.7):

1. If the student is transitioning between grade levels, the student 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, the student 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 the student is no longer homeless, the student shall be allowed to stay in the school of origin (EC Section 48852.7):

1. Through the duration of the school year if the student is in grades K-8
2. Through the graduation if the student is in high school

Resolving Enrollment Disputes

If a dispute arises over eligibility, 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, including all available appeals (42 U.S.C. Section 11432[g][3]).

The parent/guardian/unaccompanied youth 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/unaccompanied youth can understand. The written explanation shall include:

1. The 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/unaccompanied youth's right to appeal the decision to the county office of education, and if necessary, to the California Department of Education (CDE).

The LEA liaison shall work to resolve an enrollment dispute as expeditiously as possible after receiving notice of the dispute (42 U.S.C. Section 11432[g][3][E]).

In working with a student's parent/guardians to resolve an enrolment dispute, the LEA 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 the parent/guardian/unaccompanied youth chooses to appeal the LEA's placement decision, the liaison shall forward all written documentation and related paperwork to the homeless liaison at the county office of education (COE).

If the parent/guardian/unaccompanied youth chooses to appeal the COE's placement decision, the COE homeless liaison shall forward all written documentation and related paperwork to the California Department of Education (CDE).

Transfer to Coursework and Credits

When a homeless student transfers into a MCSOS program/school, the program/school 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 (42 U.S.C. Section 11432[g][1][F]; EC Section 51225.2).

If the homeless student did not complete the entire course, the student shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that the student did not complete at the student's previous school. However, the program/school 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. The student shall be enrolled in the same or equivalent course, if applicable, so that the student may continue and complete the entire course (42 U.S.C. Section 11432[g][1][F]; EC Section 51225.2).

Partial credits shall be awarded on the basis of 0.5 credits for ever 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 EC Section 49069.5.

In no event shall program/school 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 (EC Section 51225.2)

Instruction

The Governing Board must ensure that homeless students have access to the same free and appropriate public education provided to other students within Madera County Superintendent of Schools' (MCSOS) programs. MCSOS shall provide homeless students with access education and other services necessary for them to meet the same challenging academic standards as other students.

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way.

The Superintendent or designee shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulation.

When there are at least 15 homeless students enrolled in MCSOS programs, the local control and accountability plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of homeless students (California Education Code [EC] sections 52052, 52060).

At least annually, the Superintendent or designee shall report to the Board on outcomes for homeless students, which may include, but are not limited to, school attendance, student achievement test results, promotion and retention rates by grade level, graduation rates, suspension/expulsion rates, and other outcomes related to any goals and specific actions identified in the LCAP. Based on the evaluation data, MCSOS shall revise its strategies as needed to better support the education of homeless students.

Applicability of Graduation Requirements

To obtain a high school diploma, a homeless student shall complete all courses required by EC Section 51225.3 and fulfill any additional graduation requirements prescribed by the Governing Board.

However, when a homeless student who has completed the students second year of high school transfers into the LEA from another LEA or transfers between high schools within the LEA, the student 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 the students 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 education decisions for the student and the district liaison for homeless students of the availability of the exemption

and whether the student qualified 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, the student shall be eligible for the exemption once notified, even if the notification occurs after the student is no longer homeless (EC Section 51225.1).

To determine whether a homeless student is in the student's third or fourth year of high school, the LEA shall use either the number of credits the student has earned as of the date of the transfer, the length of the student's school enrollment, or, for students with significant gaps in school attendance, the students age as compared to the average age of students in the third or fourth year of high school, whichever qualified the student for the exemption (EC Section 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 the student 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 (EC Section 51225.1).

The LEA 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 (EC Section 51225.1)

If a homeless student is exempted from local graduation requirements, the exemption shall continue to apply after the student is no longer homeless or the student transfers to another school or LEA (EC Section 51225.1),

If the Superintendent or designee determines that a homeless student is reasonably able to complete district graduation requirements within the student's fifth year of high school, the student shall (EC Section 51225.1):

1. Inform the student and, if under 18 years of age, the person holding the right to make educational decisions for the student, 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 the student's 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 students or with the person holding the right to make educational decisions for the student if the student 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

A homeless student who enrolls in any LEA shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities (42 U.S.C. Section 11432[g][1][F]; EC Section 48850[a][2]).

Notification and Complaints

Information regarding the educational rights of homeless students, as specified in EC Sections 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 California Code of Regulations Section 4622 (EC Sections 51225.1, 51225.2).

Transportation

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

**If the student moves outside of Madera County, but continues to attend the student's school of origin within MCSOS programs, the Superintendent or designee shall consult with the superintendent of the former district of residence and the superintendent of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 U.S.C. Section 11432[g][6][A])

MCSOS 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 (IEP) that included transportation as a necessary related service for the student (EC Section 48852.7).

LEGAL REFERENCES
Education Codes: United States Code: Title 42: (42 USC 11432), (42 USC 11434a)

Adopted: September 14, 2010

Revised: June 20, 2023

EXPLANATION OF ENROLLMENT DECISION

Instructions: The following form is to be used when the Madera County Superintendent of Schools has denied a parent/guardian’s enrollment request.

Date: _____ Name of person completing form: _____

Title: _____ Phone number: _____

In accordance with federal law (42 USC 11432), this notification is being provided to:

Name of parent/guardian: _____

Name of student(s): _____

Name of school requested: _____

MCSOS’ placement decision (name of school): _____

After reviewing your request to enroll your child in the school listed above, your enrollment request has been denied. This determination was based upon:

You may appeal this decision directly to the California Department of Education. MCSOS’ homeless liaison can assist you with this appeal.

California Homeless Education Liaison
California Department of Education
1430 N Street, Suite 6208
Sacramento, CA 95814
916-319-0383
916-319-0972 (fax)

You have the following rights:

- * You may provide written or verbal documentation to support your position.
- * You may seek the assistance of advocates or attorneys to help you with this appeal.

EDUCATION FOR HOMELESS CHILDREN ENROLLMENT DISPUTE FORM

Instructions: This form is to be completed by a parent/guardian or student when a dispute regarding enrollment has arisen. As an alternative to completing this form, the information on this form may be shared verbally with the MCSOS' liaison for homeless students. This form serves to establish an appeal directly to the California Department of Education. While Madera County Superintendent of Schools (MCSOS) serves as the appeal agent for parents in other districts in Madera County, MCSOS may not appeal its own decision.

Date submitted: _____ Name of person completing form: _____

Student's name: _____

Relation to student: _____

I may be contacted at the following:

Address: _____

Phone number: _____

Name of school requested: _____

I wish to appeal the enrollment decision made by the Madera County Superintendent of Schools.

Reason for the appeal: You may include an explanation to support your appeal in this space or provide your explanation verbally.

I have been provided with:

_____ A written explanation of the MCSOS' decision

_____ Contact information for the Madera County Superintendent of Schools Homeless Liaison