

ORANGE COUNTY DEPARTMENT OF EDUCATION

Costa Mesa, California

SUPERINTENDENT POLICY

Education for Homeless Children and Youth

100-36

The Orange County Superintendent of Schools desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the district. The Orange County Department of Education 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. In addition, the County Liaison shall provide resources and technical assistance to districts and handle dispute resolution appeals from the district or school/program level.

Definitions

Homeless means students who lack a fixed, regular, and adequate nighttime residence and includes:

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 lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals.
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, 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 homeless child attended when permanently housed or the school in which the homeless child was last enrolled. If the school the homeless child attended when permanently housed is different from the school in which the homeless child was last enrolled, or if there is some other school that the homeless child attended with which the homeless child is connected and that the homeless child attended within the immediately preceding 15 months, the educational liaison, in consultation with, and with the agreement of, the homeless child and the person holding the right to make educational decisions for the homeless child, shall determine, in the best interests of the homeless child, the school that shall be deemed the school of origin. Education Code 48852.7; 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 parents/guardian.

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

School/Program Homeless Liaison is the staff designated by the Superintendent for homeless students attending a school or program operated by the Orange County Department of Education.

County Liaison for Homeless/County Liaison is the staff designated by the Superintendent to provide oversight, guidance, and technical assistance to the liaisons at school districts in Orange County and the County-operated programs and schools. The County Liaison may provide technical assistance to schools, programs, and districts but may not be directly involved in the dispute resolution process unless and until it is appealed to the county office.

School/Program Homeless Liaison Contact Information

The Superintendent designates the following staff person as the School/Program Homeless Liaison (“Homeless Liaison”) for homeless students attending a school or program of the Orange County Department of Education:

Homeless Liaison
Orange County Department of Education
1735 E. Wilshire Avenue, Suite 802
Santa Ana, CA 92705
(714) 836-0301

The Homeless Liaison shall ensure that:

1. Homeless students are identified by school or program 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 students is disseminated at places where children receive services, such as schools, shelters and community centers.
6. Enrollment disputes are mediated in accordance with law, Superintendent policy, and procedure.
7. Parents/guardians are fully informed of all transportation services.
8. When notified pursuant to Education Code section 48918.1, assist a homeless student who is undergoing a disciplinary proceeding that could result in his/her expulsion.
9. When notified pursuant to Education Code 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 his/her enrollment into or transfer out of district schools, including immunization, medical, and academic records.

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.

When making a placement decision, the principal 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.⁴

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.

In the case of an unaccompanied youth, the 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.

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school or program of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment.

The principal or designee shall immediately contact the school or program 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 Homeless Liaison. The Homeless Liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student.

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 principal 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 to the Homeless Liaison.

School districts and County Offices of Education must enroll students experiencing homelessness immediately. If, after enrollment, it is determined that a student is not homeless as defined in the law, school districts should follow the policies that are in place to address other forms of fraud. Written notice should be given to the parent, guardian, or youth, including his or her right to appeal the decision.

Schools working with parents, guardians, and unaccompanied youth should:

1. Inform parents, guardians, and unaccompanied youth that they can provide written or oral documentation to support their positions about school selection or enrollment. Such documentation may include an affidavit to verify residence. A sample form for this purpose may be found at <http://ocde.us/EducationalServices/LearningSupports/MV/Pages>.
2. Inform parents, guardians, and unaccompanied youth 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 youth can complete and turn in to the school to initiate the dispute resolution process.
4. Provide a copy to the parents, guardians, or youth for their records when the dispute form is submitted to the school.
5. Provide a copy to the parents, guardians, or youth for their records of the outcome of the dispute, even when the dispute is immediately resolved satisfactorily without a dispute hearing.

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. (Education Code section 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, the district 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. 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. 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.

Exemption from Local Graduation Requirements

To obtain a high school diploma, a homeless student shall pass the high school exit examination in English language arts and mathematics, complete all courses required by Education Code section 51225.3, and fulfill any additional graduation requirement prescribed by OCDE.

However, when a homeless student who has completed his/her second year of high school transfers into OCDE from another school district or transfers between high schools within OCDE, he/she shall be exempted from all locally-adopted coursework and other locally-established graduation requirements, unless OCDE 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.

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

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.

OCDE 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 by the liaison on behalf of the student.

If the Superintendent or designee determines that a homeless student is reasonably able to complete local 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 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 OCDE 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 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 OCDE graduation requirements.

Eligibility for Extracurricular Activities

A homeless student who enrolls in any OCDE school shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.

Enrollment Dispute Resolution Process for Orange County Department of Education Programs and Schools

If a dispute arises over school selection or enrollment in a particular school or program, the student shall be immediately admitted to the school or program in which enrollment is sought pending resolution of the dispute. Enrollment is defined as attending classes and participating fully in school activities. The school must refer the student, parent, or guardian to the district's homeless liaison or, for OCDE programs and schools, the School/Program Homeless Liaison, to carry out the dispute resolution process as expeditiously as possible. The liaison must ensure that the dispute resolution process is also followed for unaccompanied youth.

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 School/Program Homeless Liaison.

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 explanation may include contact information for the School/Program Homeless Liaison, a description of the School/Program

Homeless Liaison's decision, notice of the right to enroll in the school or program of choice pending resolution of the dispute, notice that enrollment includes full participation in all school activities, and notice of the right to appeal the decision to the County Liaison for Homeless Education and, if the dispute remains unresolved, to the California Department of Education ("CDE"). A sample form for this purpose may be found at <http://ocde.us/EducationalServices/LearningSupports/MV/Pages>.

The School/Program Homeless Liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. The School/Program Homeless Liaison shall provide the parent/guardian with a copy of the decision, dispute resolution form, and a copy of the outcome of the dispute.

If a parent/guardian disagrees with the School/Program Homeless Liaison's enrollment decision, he/she may appeal the decision to the County Liaison for Homeless Education. The County Liaison for Homeless Education shall make a determination within five (5) working days of receipt of the appeal.

Enrollment Dispute Resolution Appeal Process for Orange County Department of Education Programs and Schools and Orange County School Districts

If the parent/guardian disagrees with the decision from the dispute resolution process, from either a school district or the School/Program Homeless Liaison for OCDE, the parent/guardian may appeal the decision to the County Liaison for Homeless Education ("County Liaison"). A sample form for this purpose may be found at <http://ocde.us/EducationalServices/LearningSupports/MV/Pages>.

The Superintendent designates the following staff person as the County Liaison:

Student Support Services
Orange County Department of Education
200 Kalmus Drive, Costa Mesa, CA 92626
714-966-4093

The School/Program Homeless Liaison for OCDE or the liaison from the school district shall forward all written documentation and related paperwork from the dispute resolution process to the County Liaison at the Orange County Department of Education, at the location noted above. The County Liaison will review these materials and determine the school selection or enrollment decision within five (5) working days of receipt of the materials and notify the School/Program Homeless Liaison or school district liaison and the parent/guardian of the decision.

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

California Department of Education
c/o Leanne Wheeler, State Coordinator, Homeless Education
1430 N Street, 6th Floor, Suite 6208
Sacramento, CA 95814
(916) 319-0383
866-856-8214

Upon notice of the appeal to CDE, the County Liaison shall forward all written documentation and related paperwork from the dispute resolution process to the CDE. Upon the review of the district/school/program, County Liaison, and parent information, the CDE will notify the parent, district/school/program, and County Liaison of the final school selection or enrollment decision within ten (10) working days of receipt of materials.

Participation by County Liaisons and Other Appropriate Staff in Professional Development and Other Technical Assistance Activities

The county liaisons and other appropriate staff shall participate in professional development and other technical assistance activities, in compliance with applicable law and regulations, to assist them in identifying and meeting the needs of homeless students and to provide training on the definitions of terms related to homelessness.

Reference: McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11431 *et seq.*;
Education Code sections 48850, 48852.5, 48915.5, 48918.1, 51224.1-51225.3.

Adopted: 10/28/2008
Revised: 07/09/2015
Revised: