

VENTURA COUNTY BOARD OF EDUCATION

ADMINISTRATIVE REGULATION NO. 6173

ADOPTED: 03/19/07

CLASSIFICATION: Instruction

**REVISED: 02/19/19
05/15/23**

SUBJECT: Education for Homeless Children

The County Superintendent believes the identification of students experiencing homelessness is critical to improving the educational outcomes of such students and desires to ensure that students experiencing homelessness have access to the same free and appropriate public education provided to other students within the county.

The County Superintendent or designee shall ensure that each school identifies all homeless children and youths and unaccompanied youths enrolled at the school. (Education Code 48851)

DEFINITIONS

Homeless students or students experiencing homelessness means students who lack a fixed, regular, and adequate nighttime residence and includes: (Education Code 48859; 42 USD 11434a)

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; are 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 they are living in conditions described in items #1-3 above

Unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian. (Education Code 48859; 42 USC 11434a)

School of Origin means the school that the student experiencing homelessness attended when permanently housed or the school in which the student was last enrolled, including a preschool. If the school the 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 VCOE Liaison for homeless students shall determine, in consultation with and with the agreement of the student and the person holding the right to make educational decisions for the student, which school shall, in the best interests of the student experiencing homelessness, be deemed the school of origin. (Education Code 48852.7; 42 USC 11432)

Best Interest means that, in making educational and school placement decisions for a student experiencing homelessness, 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. (Education Code 48850, 48853; 42 USC 11432)

To ensure easy identification of students experiencing homelessness, the County Superintendent or designee shall annually administer a housing questionnaire developed by the California Department of Education (CDE) to the parents/guardians of all students and all unaccompanied youths and shall report to CDE the number of homeless children and youths and unaccompanied youths enrolled in the county as identified from the housing questionnaire. (Education Code 48851)

If the primary language of a student's parent/guardian or an unaccompanied youth is not English, the housing questionnaire shall be made available in the primary language of the student's parent/guardian or the unaccompanied youth pursuant to Education Code 48985 or an appropriate translation of the housing questionnaire shall be provided to the student's parent/guardian or an unaccompanied youth upon request. (Education Code 48851)

VCOE LIAISON FOR HOMELESS STUDENTS

The County Superintendent designates the following staff person as the VCOE Liaison for Homeless Students: (42 USC 11432)

Associate Superintendent of Student Services (or designee)
5189 Verdugo Way
Camarillo, CA 93012
805.383.1900

VCOE's Liaison for Homeless Students shall: (Education Code 48851.3, 48851.5, 48852.5; 42 USC 11432)

1. Ensure that students experiencing homelessness are identified by school personnel and through coordinated activities with other entities and agencies
2. Ensure that students experiencing homelessness are enrolled in, and have a full and equal opportunity to succeed in, VCOE schools and/or programs

3. Ensure that families and students experiencing homelessness have access to and receive educational services for which they are eligible, including services through Head Start and Early Head Start programs, early intervention services under Part C of the federal Individuals with Disabilities Education Act, and other preschool programs administered by VCOE
4. Ensure that families and students experiencing homelessness receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services
5. 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
6. Disseminate public notice of the educational rights of students experiencing homelessness in locations frequented by parents/guardians of students experiencing homelessness and by unaccompanied youth, including schools, shelters, public libraries, and hunger relief agencies (soup kitchens). The rights shall be presented in a manner and form understandable to the parents/guardians of students experiencing homelessness and unaccompanied youth
7. Mediate enrollment disputes in accordance with law and the section "Resolving Enrollment Disputes" below
8. Fully inform parents/guardians of students experiencing homelessness and unaccompanied youth of all transportation services, including transportation to the school of origin, and assist them in accessing transportation to the school of choice
9. Offer annual training related to the VCOE's homeless education program policies to school personnel who provide services to students experiencing homelessness, including principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel, to ensure that such employees are informed of available training, professional development, and other support, and the services provided by the VCOE Liaison for homeless students

Such professional development and technical assistance shall include, but are not limited to, training on homeless education program policies, definitions of terms related to homelessness, recognition of signs that students are experiencing or are at risk of experiencing homelessness, the steps that should be taken once a potentially homeless student is identified, and how to connect students experiencing homelessness with appropriate housing and service providers

10. Ensure that unaccompanied youth are enrolled in school, have opportunities to meet the same challenging state academic standards established for other students, and are informed of their status as independent students under 20 USC 1087vv and that they may receive assistance from the VCOE Liaison to receive verification of their independent student status for purposes of applying for federal student aid pursuant to 20 USC 1090

11. Coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to students experiencing homelessness, including the collection and provision of comprehensive data to the state coordinator as required by law

In addition, when notified pursuant to Education Code 48918.1, the VCOE Liaison shall assist, facilitate, or represent a student experiencing homelessness who is undergoing a disciplinary proceeding that could result in the student's expulsion. When notified pursuant to Education Code 48915.5, the VCOE Liaison shall participate in an individualized education program (IEP) team meeting to make a manifestation determination regarding the behavior of a student with a disability.

The County Superintendent or designee shall inform students experiencing homelessness, their parents/guardians, unaccompanied youth, school personnel, service providers, and advocates working with homeless families of the duties of the VCOE's Liaison. The County Superintendent or designee shall also provide the name and contact information of the VCOE's Liaison to the California Department of Education (CDE) for publishing on the CDE's web site. (42 USC 11432)

ENROLLMENT

VCOE shall make placement decisions for students experiencing homelessness based on the student's best interest. (Education Code 48850; 42 USC 11432)

In determining a student's best interest, a student experiencing homelessness shall, to the extent feasible, be placed in his/her school of origin, unless the student's parent/guardian or the unaccompanied youth requests otherwise. (Education Code 48852.7; 42 USC 11432)

When determining the best interest of any student experiencing homelessness, VCOE shall give priority to the request of the student's parent/guardian, or in the case of an unaccompanied youth, the request of the student. The student's educational stability and opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress and other student-centered factors related to the student's best interest, including the impact of mobility on the student's achievement, education, health, and safety, shall also be considered. (Education Code 48850; 42 USC 11432)

Such factors may include, but are not limited to, 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 student experiencing homelessness lives with the student's homeless parent/guardian or has been temporarily placed elsewhere. (42 USC 11432)

In the case of an unaccompanied youth, the VCOE Liaison shall assist in placement or enrollment decisions, give priority to the views of the student, and provide notice to the student of the right to appeal. (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 the student: (Education Code 48850, 48852.7; 42 USC 11432)

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 immediately refer the parent/guardian to the VCOE Liaison for homeless students. The VCOE Liaison shall assist the parent/guardian, or the student if the student is an unaccompanied youth, in obtaining the necessary immunizations, screenings, or records for the student. (42 USC 11432)

If the student is placed at a school other than the school of origin or the school requested by the student's parent/guardian or the student, if an unaccompanied youth, the Superintendent or designee shall provide the parent/guardian or the unaccompanied youth with a written explanation of the reasons for the decision, including why placement in the student's school of origin or requested school is not in the student's best interest, along with a statement regarding the right to appeal the placement decision. The written explanation shall be in a manner and form understandable to such parent/guardian or unaccompanied youth. (42 USC 11432)

At the point of any change or subsequent change in the residence of a student experiencing homelessness, the student may continue attending the school of origin for the duration of the homelessness. (Education Code 48852.7; 42 USC 11432)

To ensure that the student experiencing homelessness has the benefit of matriculating with the student's peers in accordance with the established feeder patterns, the following shall apply: (Education Code 48852.7; 42 USC 11432)

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 not within the jurisdiction of the VCOE, the student shall be allowed to continue to the school designated for matriculation by VCOE.

If the student's housing status changes before the end of the school year so that the student is no longer experiencing homelessness, the student shall be allowed to stay in the school of origin: (Education Code 48852.7)

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

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 VCOE Liaison, who shall carry out the dispute resolution process as expeditiously as possible. (42 USC 11432)

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. (42 USC 11432)

The written explanation shall include:

1. A description of the action proposed or refused by VCOE
2. An explanation of why the action is proposed or refused
3. A description of any other options VCOE considered and the reasons that any other options were rejected
4. A description of any other factors relevant to VCOE'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 VCOE 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 VCOE 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 VCOE Liaison shall:

1. Inform the student's parents/guardians or unaccompanied youth that they may provide written and/or oral documentation to support their position
2. Inform the student's parents/guardians or unaccompanied youth that they may seek the assistance of social services, advocates, and/or service providers in having the dispute resolved
3. Provide a simple form that they may use and turn in to the school to initiate the dispute resolution process
4. Provide a copy of the dispute form they submit for their records
5. Provide the outcome of the dispute for their records

When a student's parent/guardian or an unaccompanied youth involved in the enrollment dispute is an English learner, Items #1-5 shall be provided either in the native language of the parent/guardian or unaccompanied youth or through an interpreter. Any additional support needed because of a disability of that parent/guardian or unaccompanied youth shall be made available without a charge.

If a parent/guardian or unaccompanied youth disagrees with the VCOE Liaison's enrollment decision, the decision may be appealed to the County Superintendent. The County Superintendent shall make a determination within five (5) working days.

If the parent/guardian chooses to appeal VCOE's placement decision to CDE, the VCOE Liaison shall forward all written documentation and related paperwork to the CDE's Homeless Education Program.

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. (42 USC 11432, 11434a)

TRANSPORTATION

VCOE shall provide transportation for a student experiencing homelessness to and from the student's school of origin when the student is residing within the boundaries of the VCOE and the parent/guardian, or the VCOE Liaison in the case of an unaccompanied youth, requests that such transportation be provided. If the student moves outside of VCOE boundaries but continues to attend the student's school of origin within VCOE, the County Superintendent or designee shall consult with the County Superintendent of the County Office of Education in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

Any fees that VCOE charges for home-to-school transportation and other transportation as expressly provided by law shall be waived for students experiencing homelessness. (*Education Code 39807.5*)

VCOE shall not be obligated to provide transportation to students who continue attending their school of origin after they secure permanent housing, unless the formerly homeless student has an individualized education program (IEP) that includes transportation as a necessary related service for the student. (*Education Code 48852.7*)

TRANSFER OF COURSEWORK AND CREDITS

When a student experiencing homelessness enrolls in a VCOE school, VCOE will receive an official transcript from the prior school agency which reflects full and partial credits and grades earned by the student and includes: (*Education Code 51225.2*)

1. A determination of the days of enrollment and/or seat time, if applicable for all full and partial credits earned based on any measure of full or partial coursework being satisfactorily completed

Partial coursework satisfactorily completed includes any portion of an individual course, even if the student did not complete the entire course

2. Separate listings for credits and grades earned at each school and local educational agency so it is clear where credits and grades were earned
3. A complete record of the student's seat time, including both period attendance and days of enrollment

VCOE shall transfer the credits and grades from the prior school's transcript onto an official VCOE transcript in the same manner as described in Item #2, above. (*Education Code 51225.2*)

If the school site administrator or designee has knowledge that the transcript from the prior school may not include certain credits or grades, the administrator or designee shall contact the prior school within two business days to request that the full or partial credits be issued, which shall then be issued and provided by the prior school within two business days of the request. (*Education Code 51225.2*)

VCOE shall accept and issue full credit for any coursework that the student has satisfactorily completed while attending another public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school or agency and if the entire course was completed, VCOE shall not require the student to retake the course. (*Education Code 51225.2*)

If the student experiencing homelessness 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 his/her previous school. However, VCOE may require the student to retake the portion of the course completed if, in consultation with the holder of educational rights for the student, VCOE 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 student in any particular course, the student shall be enrolled in the same or equivalent course, if

applicable, so that the student may continue and complete the entire course. (Education Code 51225.2)

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 VCOE's notification of the student's transfer, as required under Education Code 49069.5.

In no event shall VCOE prevent a student experiencing homelessness 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*)

APPLICABILITY OF GRADUATION REQUIREMENTS

To obtain a high school diploma, student experiencing homelessness shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the County Board.

However, when a student experiencing homelessness has completed the second year of high school transfers into a VCOE school or program, the student shall be exempted from all VCOE-adopted coursework and other VCOE-established graduation requirements, unless the County Superintendent or designee 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 fourth year of high school. Within 30 calendar days of the homeless student's transfer, the County Superintendent or designee shall notify the student, the person holding the right to make educational decisions for the student, and the VCOE Liaison for homeless students of the availability of the exemption and whether the student qualifies for it. If the County 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 student is in his/her third or fourth year of high school, VCOE shall use either the number of credits the student has earned as of the date of the transfer, the length of school enrollment, or for a student with significant gaps in school attendance, the student's age as compared to the average age of students in the third or fourth year of high school, whichever qualifies the student for the exemption. (*Education Code 51225.1*)

If the student experiencing homelessness was not properly notified of an exemption, declined the exemption, or was not previously exempted, the student or the person holding the right to make educational decisions for the student may request the exemption and the County Superintendent or designee shall exempt the student within 30 days of the request. The student may request the exemption even if the student is no longer a homeless student. (*Education Code 51225.1*)

When the County Superintendent or designee determines that a student who enrolled into a VCOE school is reasonably able to complete VCOE-established graduation requirements by the end of the student's fourth year of high school, the student shall not be exempted from those requirements.

Within 30 calendar days of the following academic year, the student shall be reevaluated based on the student's course completion status at the time, to determine if the student continues to be reasonably able to complete the VCOE-established graduation requirements in time to graduate by the end of the student's fourth year of high school. Written notice as to whether the student then qualifies for exemption shall be provided to the student, the person holding the right to make educational decisions for the student, and if applicable, to the student's social worker or probation officer. (Education Code 51225.1)

If, upon reevaluation, it is determined that the student experiencing homelessness is not reasonably able to complete the VCOE-established graduation requirements in time to graduate from high school by the end of the student's fourth year of high school, the County Superintendent or designee shall provide the student with the option to receive an exemption from VCOE-established graduation requirements or stay in school for a fifth year to complete the VCOE-established graduation requirements upon agreement with the student, or if under 18 years of age, the person holding the right to make educational decisions for the students, and provide notifications in accordance with Education Code 51225.1. (Education Code 51225.1)

When a student experiencing homelessness is exempted from VCOE-established graduation requirements, the County Superintendent or designee shall consult with the student and the person holding the right to make educational decisions for the student about the following: (Education Code 51225.1)

1. Discussion of how any requirements that are waived may affect the student's postsecondary education or vocational plans, including the ability to gain admission to a postsecondary educational institution
2. Discussion and information about other options available to the student, including, but not limited to, a fifth year of high school, possible credit recovery, and any transfer opportunities available through the California Community Colleges
3. Consideration of the student's academic data and any other information relevant to making an informed decision on whether to accept the exemption

VCOE shall not require or request a student experiencing homelessness 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 student experiencing homelessness, the person holding the right to make educational decisions for the student, or the VCOE Liaison on behalf of the student. (Education Code 51225.1)

The County Superintendent or designee shall not require a student experiencing homelessness who is eligible for an exemption from COE-established graduation requirements, and would otherwise be entitled to remain in attendance at the school, to accept the exemption or be denied enrollment in, or the ability to complete, courses for which the student is otherwise eligible, including courses necessary to attend an institution of higher education, regardless of whether such courses are required for statewide graduation requirements. (Education Code 51225.1)

If a student experiencing homelessness is exempted from VCOE graduation requirements, the exemption shall not be revoked. Additionally, the exemption shall continue to apply after the student is no longer homeless or if the student transfers to another school or out of the VCOE school or program. (Education Code 51225.1)

The County Superintendent or designee shall not require or request a student experiencing homelessness who is exempted from VCOE-established graduation requirements and who completes the statewide coursework requirements before the end of the fourth year of high school, and would otherwise be entitled to remain in school, to graduate before the end of the student's fourth year of high school. (Education Code 51225.1)

If the County Superintendent or designee determines that a student experiencing homelessness is reasonably able to complete VCOE graduation requirements within the fifth year of high school, the County Superintendent or designee 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 VCOE'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 student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student or with the person holding the right to make educational decisions for the student if under 18 years of age, permit the student to stay in school for a fifth year to complete VCOE's graduation requirements
4. Consult with the student or with the person holding the right to make educational decisions for the student of the option to remain in the student's school or origin

ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES

A student experiencing homelessness who enrolls in any VCOE school or program shall have access to extracurricular and enrichment activities that are available to all students in the school or program. (Education Code 48850).

NOTIFICATION AND COMPLAINTS

Information regarding the educational rights of students experiencing homelessness, 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 VCOE has not complied with requirements regarding the education of students experiencing homelessness, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the VCOE's procedures in AR 1312.3 - Uniform Complaint Procedures

The County Superintendent or designee shall ensure that the VCOE liaison and the contact information, as well as specific information on homelessness, including, but not limited to, information regarding the educational rights and resources available to students experiencing homelessness, are posted on the VCOE web site. (Education Code 48852.6)