

Berkeley USD

Administrative Regulation

Education For Homeless Children

AR 6173
Instruction

Definitions

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.

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. Migratory children who qualify as homeless because the children are living in conditions described in (1) to (3) above.

Unaccompanied youth includes youth who are not in the physical custody of a parent or guardian. (20 USC 11434a)

School of origin means the school that the homeless student attended when permanently housed or the school in which he/she was last enrolled, including a preschool. 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 and with which he/she 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. (Education Code 48852.7; 42 USC 11432)

interest means that, 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 district students. (Education Code 48850, 48853; 42 USC 11432)

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Deleted: and the McKinney-Vento Homeless Assistance Act. .

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Deleted: 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).

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Deleted: 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). .

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District Liaison

The Superintendent designates the following staff person as the district liaison for homeless students (42 USC 11432):

James Wogan, Manager, Student Services
2020 Bonar Street, Room 112
Berkeley, CA 94702
(510) 883-5224
jameswogan@berkeley.net

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Deleted: Susan Craig, Director

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

1. Homeless students are identified by school personnel and through coordination activities with other entities and agencies.

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(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

Comment [PP1]: No policy

(cf. 3553-Free and Reduced-Priced Meals)

Comment [PP2]: 2/13

(cf. 5141.6- Student Health and Social Services)

Comment [PP3]: BP 5141.6 doesn't exist - BP 5030.3 Students refers to **Student Health And Social Services**

2. Homeless students enroll in, and have a full and equal opportunity to succeed in district schools.

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3. Ensure that homeless families and children and youth 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 the district.

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Deleted: Homeless families and students receive educational services for which they are eligible, including pre-school and other available supplemental programs; referrals to health care services, dental services, mental health services, social services and other appropriate services.

(cf. 5148.3 - Preschool/Early Childhood Education)

Comment [PP4]: No BP...AR 5148 Child Care And Development

4. Homeless families and students receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services

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(cf. 5141.6 - School Health Services)

Comment [PP5]: 5141.6 doesn't exist...should this be BP 5030.3 **Student Health And Social 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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(cf. 5145.6 - Parental Notifications)

Comment [PP6]: 6/04

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6. Disseminate notice of the educational rights of homeless students in locations frequented by parents/guardians of homeless children and youth and by unaccompanied youth, including schools, family shelters, public libraries, and hunger relief agencies (soup kitchens). The

Deleted: Public notice of the educational rights of homeless children is disseminated at places where children receive services, such as schools, shelters, and soup kitchens.

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rights shall be presented in a manner and form understandable to the parents/guardians of homeless students and unaccompanied youth.

7. Enrollment disputes are mediated in accordance with law (Governing Board policy and administrative regulation).

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8. Parents/guardians of homeless students and unaccompanied youth are fully informed of all transportation services and are assisted in gaining access to transportation to the school of origin.

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(cf. 3541 - Transportation Routes and Services)

9. Children and youth who do not have immunization or medical records are assisted to obtain necessary immunizations or medical records.

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9. School personnel providing services to homeless students receive professional development and other support.

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(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Comment [PP7]: No policies for staff development

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10. 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 district liaison to receive verification of their independent student status for purposes of applying for federal student aid pursuant to 20 USC 1090.

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11. Collaboration and coordination with state coordinators and community and school personnel occurs in order to provide education and related services to homeless children and youth, including the provision of comprehensive data to the state coordinator as required by law

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

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159 - Individualized Education Program)

Comment [PP8]: BP 5144.1 2/13
BP 5144.2 Recess Restriction
BBP 6159 2/07

The Superintendent or 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's liaison. He/she shall also provide the name and contact information of the district's liaison to the California Department of Education (CDE) for

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publishing on the CDE's web site. (42 USC 11432)

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 requests otherwise (42 USC 11432).

In determining the best interest of the student, the district shall 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. (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.

The student may continue attending the school of origin for the duration of the homelessness and/or until the end of any academic year in which the student moves into permanent housing.

The District shall utilize the McKinney-Vento Affidavit and Caregiver Authorization forms in lieu of missing documents in order to ensure immediate enrollment, thereby eliminating any possible barrier for homeless students.

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. (42 USC 11432)

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. (42 USC 11432)

Once a placement decision has been made, the principal or designee shall immediately enroll the student in school. The student shall be enrolled even if he/she: (Education Code 48852.7; 42 USC 11432)

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

2. Does not have clothing normally required by the school, such as school uniforms

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Comment [PP9]: Remove or keep? The succeeding paragraph is from the CSBA sample. May need to combine the 2 paragraphs.

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Comment [PP10]: AR 5125.2 5/03

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(cf. 5132 - Dress and Grooming)

Comment [PP11]: No policy

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

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(cf. 5111 - Admission)

(cf. 5111.1 - District Residency)

(cf. 5125 - Student Records)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

4. Has missed application or enrollment deadlines during any period of homelessness

Comment [PP12]: BP 5111 6/15

AR 5111.1 6/15

BP 5125 11/09

BP 5141.26 no policy

BP 5141.31 no policy

BP 5141.32 no policy

Note: BUSD BP and AR 5141.3 Health Examinations dated 5/03 lists policies that

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The principal or designee shall immediately contact the school last attended by the student in order to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunizations or other medical records, the principal or designee shall refer the parent/guardian or unaccompanied youth to the District homeless student liaison. The liaison shall refer the parent/guardian or unaccompanied youth to the appropriate medical service providers to obtain the necessary immunizations. (42 USC 11432)

If the student is placed at a school other than the school of origin or a school requested by the parent/guardian or an unaccompanied youth, the Superintendent or designee shall provide the parent/guardian or the unaccompanied youth with a written explanation of the decision along with a statement regarding the parent/guardian's or unaccompanied youth's right to appeal the placement decision (42 USC 11432).

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(cf. 5111.13 - Residency for Homeless Children)

(cf. 5125- Student Records)

(cf. 5141.31 -Immunizations)

Comment [PP13]: AR 5111.13 5/03

5125 11/09

5141.31 no policy

The student may continue attending his/her school of origin for the duration of the homelessness. (Education Code 48852.7; 42 USC 11432)

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: (Education Code 48852.7; 42 USC 11432)

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1. If the student is transitioning between grade levels, he/she shall be allowed to continue in the same attendance zone.

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2. If the student is transitioning to a middle school or high school, and the school designated

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for matriculation is in another school district, he/she shall be allowed to continue to the school designated for matriculation in that district.

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. (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 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

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If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted, pending resolution of the dispute, to the school in which enrollment is sought (USC 11432).

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The parent/guardian shall be provided with a written explanation of the placement decision, including the parent/guardian's right to appeal. He/she shall also be referred to the district liaison (42 USC 11432).

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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
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 Associate Superintendent who shall make a determination within ten school 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 the county office of education.

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

(cf. 1311-Uniform Complaint Procedures)

In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

Transportation

The district shall provide transportation for a homeless student to and from his/her school of origin when the student is residing within the district and the parent/guardian, or the district liaison in the case of an unaccompanied youth, requests that such transportation be provided

If the student moves outside the District boundaries but continues to attend this district's school of origin, the Superintendent or designee shall consult with the Superintendent or designee of the district in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation (USC 11432).

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

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Comment [PP15]: Keep?

Comment [PP16]: No policy BP/AR 3541.2 addresses transp for students with disabilities

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The district 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 that includes transportation as a necessary related service for the student. (Education Code 48852.7)

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

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. (Education Code 51225.2)

(cf. 6143 - Courses of Study)

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, 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 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 district liaison for homeless students of the availability of the exemption and whether the student qualifies 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 occurs after the student is no longer homeless. (Education Code 51225.1)

To determine whether a homeless student is in his/her third or fourth year of high school, the district 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. (Education Code 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 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. (Education Code 51225.1)

The district 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. (Education Code 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 if he/she transfers to another school or school district. (Education Code 51225.1)

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: (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 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

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through the California Community Colleges

3. Upon agreement with the homeless student or with 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 the district's graduation requirements

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. (Education Code 48850)

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

Comment [PP18]: BP 6145 5/03
BP 6145.2 No policy

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. (Education Code 51225.1, 51225.2)

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, may be filed in accordance with the district's procedures in AR 1311 - Uniform Complaint Procedures.

(cf. 1311 - Uniform Complaint Procedures)

Regulation BERKELEY UNIFIED SCHOOL DISTRICT
approved: January 11, 2006 Berkeley, California
revised: January 11, 2017

Revised: [insert date approved by Board]

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