

The Foundation for Hispanic Education
Education for Homeless Children and
Youth Board Policy and Administrative Regulations

Instruction

The Foundation for Hispanic Education (TFHE) Board of Trustees desires to ensure that its schools' homeless students have access to the same free and appropriate public education provided to other students within its school sites. TFHE schools (Latino College Preparatory Academy, Luis Valdez Leadership Academy, Roberto Cruz Leadership Academy) shall provide homeless students with access to 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, focus area, or program based on their status as homeless and shall not be stigmatized in any way. The Chief Executive Officer (CEO) 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 homeless students in a TFHE school site, each school site's 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 Chief Executive Officer (CEO) 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, the school shall revise its strategies as needed to better support the education of homeless students.

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, non-permanent housing complexes, or camping grounds due to the lack of alternative adequate accommodations; or are living in emergency or transitional shelters;
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 vehicles, 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 above;

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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 he/she was last enrolled. 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, TFHE's 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 school students. (42 U.S.C. Section 11432[g][3][B]; EC Sections 48850, 48853)

TFHE Liaison

The TFHE Chief Executive Officer (CEO) designates the following staff person(s) as the school liaison for homeless students: (42 U.S.C. Section 11432[g][6][A])

(title or position)

(address)

(phone number)

(email)

TFHE's liaison 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 schools;
3. Ensure that homeless families and students receive educational services for which they are eligible;

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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 schools that provide services to homeless children and at places where they receive services, such as schools, family shelters, and hunger relief agencies (soup kitchens);
6. Mediate enrollment disputes in accordance with law, board 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 his/her 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 his/her enrollment into or transfer out of TFHE schools, including immunization, medical, and academic records.

Enrollment

TFHE shall make placement decisions for homeless students based on the student's and their families' 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.

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.

In the case of an unaccompanied youth, the 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.

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.

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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 he/she:

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 TFHE liaison for homeless students. The TFHE liaison shall assist the parent/guardian, or the student if he/she is an unaccompanied youth, 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 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 his/her 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 his/her 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, he/she 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, he/she shall be allowed to continue to the school designated for matriculation in that school.

If the student's status changes before the end of the school year so that he/she is no longer homeless, he/she shall be allowed to stay in the school of origin: (*EC* Section 48852.7)

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

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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 final 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 TFHE liaison's contact information
2. A description of the school'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 TFHE 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 parents/guardians to resolve an enrollment dispute, the school 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 school's placement decision, the school 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 CDE.

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Transfer of Coursework and Credits

When a homeless student transfers into a TFHE school, TFHE 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, 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, TFHE 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 school 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. (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 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 school's notification of the student's transfer, as required under *EC* Section 49069.5.

In no event shall the 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)

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.

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However, when a homeless student who has completed his/her second year of high school transfers into the school from another school or transfers between high schools within the school, he/she shall be exempted from all school-adopted coursework and other school-established graduation requirements, unless the school 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 TFHE 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. (EC Section 51225.1)

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

The school 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 TFHE 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 if he/she transfers to another school or district school. (EC Section 51225.1)

If the Superintendent or designee determines that a homeless student is reasonably able to complete school graduation requirements within his/her fifth year of high school, he/she 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 him/her, of the option available to the student to remain in school for a fifth year to complete the school'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 through the California Community Colleges;

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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 school's graduation requirements

Eligibility for Extracurricular Activities

A homeless student who enrolls in any school 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)