

Homeless Education Policy

The McKinney-Vento Homeless Act (hereinafter MVHA), was passed by Congress to ensure that each homeless student has equal access to the same free, appropriate public education as other students. While many federal laws are tied to a specific local education agency's (LEA) receipt of federal funds, the MVHA requires the state to ensure that all LEAs in California have certain policies in place in accordance with the MVHA, without regard to whether the LEA receives these funds. The California Department of Education monitors compliance with these rules through the CALPADS data collection. Thus, all charter schools should adopt a homeless student education policy, regardless of whether you receive MVHA funds. This policy is drafted for schools that do not receive the MVHA funds. Use policy 16B if your school receives MVHA funds.

The Education Code also addresses homeless youth. This policy is drafted to comply with these laws as well.

The Governing Board of **Union Street Charter** (the “Charter School”) desires to ensure that homeless students are provided equal access to the same free, appropriate public education provided to other children and youth. Homeless students will be given access to the education and other services that such students need to ensure that they have an opportunity to meet the same challenging State student academic achievement standards to which all students are held. Homeless students will not be stigmatized or segregated in a separate school or program based on the student’s status as homeless.

I. Definitions

42 USC 11434a provides a list of definitions for use in the interpretation of the MVHA. This section reflects those definitions. If your school has other specific definitions that might be relevant to this policy, insert those here.

- ***Homeless children and youths*** means individuals who lack a fixed, regular and adequate nighttime residence and includes 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 (not including mobile home parks), or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
 - Who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings;

- Who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
 - Who are migratory children who qualify as homeless for purposes of this part because the children are living in circumstances described above.
- ***Unaccompanied youth*** includes a youth not in the physical custody of a parent or guardian.
- ***The Charter School is the school of origin*** when the student attended the Charter School when permanently housed or was last admitted when the student became homeless. The Charter School will not be considered the school of origin when it is contrary to the wishes of a student’s parent(s) or guardian(s), or is not in the best interest of the student.
- In determining the best interest of the child or youth, the School shall:
- Presume that keeping the child or youth in the school of origin is in the best interest of the child or youth, unless it is contrary to the request of the child’s or youth’s parent or guardian, or unaccompanied youth;
 - Consider student-centered factors related to the child’s or youth’s best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child’s or youth’s parent or guardian or unaccompanied youth;
 - If, after conducting the best interest determination based on consideration of the presumption identified above and the student-centered factors identified above, the School determines that it is not in the child’s or youth’s best interest to attend the School, the School shall provide the child’s or youth’s parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal; and
 - In the case of an unaccompanied youth, ensure that the School liaison assists in placement or admission decisions, gives priority to the views of such unaccompanied youth and provides notice to such youth of the right to appeal.

A child or youth or unaccompanied youth shall be considered homeless for as long as he/she is in a living situation described above.

II. Homeless Liaison

Pursuant to MVHA schools are required to designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless students, to carry out

the duties articulated in the MVHA. The duties identified in this section are required by statute. If you want to add additional duties to the liaison's list, include those here.

The Education Code added a section to provide additional LEA duties if the school receives funding from the American Rescue Plan Elementary and Secondary School Emergency Relief – Homeless Children and Youth Fund pursuant to Section 2001(b)(1) of the federal American Rescue Plan Act of 2021 (Public Law 117-2)

The School's homeless liaison is: the school counselor. The School's homeless liaison is required to do all of the following:

- Ensure that homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;
- Ensure that homeless children and youth are admitted to, and have a full and equal opportunity to succeed in the School;
- Ensure that homeless children and youths have access to and receive educational services for which such families, children, and youth are eligible, including Head Start programs (including Early Head Start Programs) and [if applicable] early intervention services under part C of the Individuals with Disabilities Education Act and other preschool programs administered by the School, and referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
- Ensure that the parents or guardians of homeless children and youths 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;
- Ensure that admission disputes are mediated in accordance with the dispute resolution process outlined below;
- Ensure that public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians, including schools, shelters, public libraries and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;
- Ensure that the parent or guardian of a homeless student, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin and is assisted in accessing transportation to the school;
- Ensure that school personnel providing services participate in professional development and other technical support as determined appropriate by the State Coordinator;
- Ensure that unaccompanied youths 1) are admitted to school; 2) have opportunities to meet

the same challenging State academic standards as the State establishes for other children and youth, including implementation of procedures to identify and remove barriers that prevent youths from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school; and 3) are informed of their status as independent students and that the youths may obtain assistance from the liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.

- Ensure that homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies and that they receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services. EC 48851.5
- **[If your school receives funding from the American Rescue Plan Elementary and Secondary School Emergency Relief – Homeless Children and Youth Fund pursuant to Section 2001(b)(1) of the federal American Rescue Plan Act of 2021 (Public Law 117-2), include the following:]** Shall administer a housing questionnaire for purposes of identifying homeless children and youths and unaccompanied youths. The questionnaire shall comply with legal requirements. The questionnaire shall be administered annually, and report to the California Department of Education the number of homeless children and youths and unaccompanied youths enrolled.

III. Admission

There are often barriers to admission of homeless students due to lack of immunization and medical records, proof of residency, missing birth certificates, school records or other documentation, guardianship issues and uniform or dress code requirements. For schools receiving MVHA funds, there are requirements that the school immediately admit students even if certain documentation is missing or if the student has missed application or admission deadlines during any period of homelessness. For schools that do not receive MVHA funds, these requirements do not apply. It is recommended, however, that the school provide homeless students and youth with the same flexibility when admitting them so that they are able to access your school's program.

All homeless students are required to follow the school's process for admitting students, including filling out and submitting the school's admission packet on time. As with all students, admission depends upon availability. In the event of an oversubscription in a grade, homeless students will participate in the lottery as with any other student. As used in this policy, admission means attending classes and participating fully in school activities.

If the homeless student seeking admission is unable to produce records normally required for admission, such as previous academic records, medical records, proof of residency or other documentation, this will not serve as a basis for non-admission. Provided that the admission process has been followed in all other respects, a homeless student will be admitted in the School despite the missing paper work. Additionally, the homeless student shall not be denied admission

even if the student has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended. Upon admission, the School will contact the school last attended by the students to obtain relevant academic and other records.

If the student needs to obtain immunizations, or immunization or medical records, the School will immediately refer the parent or guardian of the student, or the unaccompanied youth, to the Homeless Liaison, who shall assist in obtaining necessary immunizations, or immunization or medical records.

A homeless student shall be allowed to continue his or her education in the school of origin through the duration of homelessness. If the homeless student's status changes before the end of the academic year so that the student is no longer homeless, either of the following apply: 1) If the homeless student is in high school, the School (if it is the school of origin) shall allow the formerly homeless student to continue that student's education in the School through graduation; 2) If the homeless student is in kindergarten or any of grades 1 to 8, inclusive the School (if it is the school of origin) shall allow the formerly homeless student to continue that student's education in the School through the duration of the academic school year.

Admission Disputes and the Dispute Resolution Process

The MVHA requires that there be a dispute resolution process articulated by the state, and adopted by the school. The California Department of Education (CDE) provides five components for resolving disputes over the admission of homeless students. A link to the website with those components is provided. <http://www.cde.ca.gov/sp/hs/cy/disputeres.asp>. In short, these include: 1) immediately admitting the student in the school; 2) referring the student, parent/guardian to the Homeless Liaison to carry out the dispute resolution process; 3) provide a written explanation of the school's decision. The written explanation shall be complete, as brief as possible, simply stated, and provided in a language the parent, guardian or unaccompanied youth can understand; 4) if the dispute remains unresolved or is appealed, the school should forward the documentation to the county office of education's (COE) homeless liaison. That homeless liaison will resolve the admissions dispute within five (5) working days of receipt of the materials. The COE homeless liaison will notify the school and parent/guardian/unaccompanied youth of the decision; 5) if the dispute remains unresolved or is appealed, the COE homeless liaison will forward all written documentation and related paperwork to the State Homeless Coordinator. Upon review, the CDE will notify the parents/guardians/unaccompanied youth of the admission decision within 10 working days of receipt.

If a dispute arises over admission in the Charter School of a homeless student, the student will be immediately admitted to the Charter School in which admission is sought, pending resolution of the dispute. "Admission" means attending classes and participating fully in school activities.

The Charter School will refer the student and/or his/her parents or guardians to the Homeless Liaison, who will carry out the dispute resolution in accordance with the process set forth below,

as expeditiously as possible after receiving notice of the dispute. In the case of an unaccompanied youth, the Homeless Liaison will ensure that the youth is immediately admitted in school pending resolution of the dispute.

Parents, guardians and unaccompanied youth may provide written or oral documentation to support their positions about admission and may seek assistance of social services, advocates, and/or service providers in the dispute process.

The Charter School will provide the parent or guardian of the student with a written explanation of the Charter School's decision regarding admission, including the rights of the parent, guardian or unaccompanied youth's appeal the decision. The written explanation will be complete, as brief as possible, simply stated and provided in a language that the parent, guardian or unaccompanied youth can understand.

If the dispute remains unresolved at the Charter School level or is appealed, then the Charter School Homeless Liaison will forward all written documentation and related paperwork to the homeless liaison at the county office of education (COE). The COE's homeless liaison will review these materials and determine the school selection or admission decision within five (5) working days of receipt of the materials. The COE homeless liaison will notify the Charter School and parent/guardian/unaccompanied youth of the decision.

If the dispute remains unresolved at the COE level or is appealed to the State, then the COE homeless liaison will forward all written documentation and related paperwork to the State Homeless Coordinator. Upon review, the CDE will notify the parent/guardian/unaccompanied youth of the decision relating admission in the Charter School within ten working days of receipt of the materials.

IV. Transportation

The MVHA requires that states ensure that local educational agencies adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin. This directive does not appear to be tied to the receipt of funds under MVHA, or whether the school provides transportation to other students. The following transportation policy is drafted in accordance with MVHA.

The Charter School will provide or arrange for transportation of a homeless student, at the request of the parent, guardian or Homeless Liaison, to the Charter School when the Charter School is the school of origin. If the student begins living in an area served by another local educational agency while continuing his/her education at the Charter School, the Charter School will contact that local educational agency to agree upon a method to apportion the responsibility and costs for providing the student with transportation to and from the Charter School.

V. Comparable Education Services

The MVHA provides a list of comparable services that the students must have access to if offered to other students.

Each homeless student will be provided access to services comparable to services offered to other students in the Charter School, including but not limited to the following:

- Educational services for which the homeless student meets federal, state and local program eligibility criteria
- Programs for gifted and talented students
- School nutrition programs

VI. Coursework and Graduation Requirements

The following sections are required by the Education Code.

The School shall accept coursework satisfactorily completed by a homeless student while attending another public school, a juvenile courts school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school even if the pupil did not complete the entire course and shall issue that homeless student full or partial credit for the coursework completed.

The credits accepted shall be applied to the same or equivalent course, if applicable, as the coursework completed in the prior school.

The School shall not require a homeless student to retake a course if the student has satisfactorily completed the entire course in a prior school. If the student did not complete the entire course, the School shall not require the pupil to retake the portion of the course the student completed unless the School, in consultation with the holder of educational rights for the student, finds that the student is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the homeless student shall be admitted in the same or equivalent course, if applicable, so the student may continue and complete the entire course.

Notice

The School shall list the homeless liaison(s) and contact information for those liaison(s) on its website. The contact information for any employees or persons under contract whose duties include assisting the liaison in completing the liaison's duties shall also be listed.

Adopted:

Amended: