

INSTRUCTION

Education For Homeless Children

The Inyo County Board of Education desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the county. The county office of education shall provide homeless students with access to education and other services necessary for these students to meet the same challenging academic standards as other students.

Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way.

The Superintendent 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.

Transportation

Homeless students shall be afforded access to the same transportation options as other students.

Legal Reference:

EDUCATION CODE

1980-1986 County Community Schools

2558.2 Use of revenue limits to determine average daily attendance of homeless children

39807.5 Payment of transportation costs by parents

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Education for Homeless Children and Youth Program, Non-Regulatory Guidance, July 2004

WEB SITES

California Department of Education, Homeless Children and Youth Education:

<http://www.cde.ca.gov/sp/hs/cy>

National Center for Homeless Education at SERVE: <http://www.serve.org/nche>

National Law Center on Homelessness and Poverty: <http://www.nlchp.org>

U.S. Department of Education: <http://www.ed.gov/programs/homeless/index.html>

BOARD POLICY:

First Reading/Adoption: November 15, 2005

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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; or are awaiting foster care placement;
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
3. Children and youths who are living in cars, 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)-(3) above.

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)

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)

Unaccompanied youth means a youth not in the physical custody of a parent or guardian. (42 USC 11434(a))

District Liaison

The Superintendent designates the following staff person as the county office of education liaison for homeless students: (42 USC 11432)

Director of Alternative Education
(title or position)
Jill Kinmont Boothe School, 166 Grandview Lane, Bishop
(address)
(760) 873-3262
(phone number)

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The county office of education's liaison for homeless students shall ensure that:
(42 USC 11432)

1. Homeless students are identified by school personnel and through coordinated activities with other entities and agencies; (*cf. 1400 - Relations between Other Governmental Agencies and the Schools*)
2. Homeless students enroll in, and have a full and equal opportunity to succeed in, county office of education schools;
3. Homeless families and students receive educational services for which they are eligible;
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
5. Notice of the educational rights of homeless children is disseminated at places where children receive services, such as schools, shelters, and soup kitchens;
6. Enrollment disputes are mediated in accordance with law, Board policy, and administrative regulation;
7. Parents/guardians are fully informed of all transportation services.

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) When making a placement decision, 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.

The student may continue attending his/her school of origin for the duration of the homelessness and until the end of any academic year in which he/she moves into permanent housing. (42 USC 11432)

In the case of an unaccompanied youth, the county office of education's homeless liaison shall assist in placement or enrollment decisions, consider the views of the student, and provide notice to the student of his/her appeal rights. (42 USC 11432)

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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. (42 USC 11432)

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment. (42 USC 11432) (*cf. 5141.31 - Immunizations*)

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 district's liaison for homeless students. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student. (42 USC 11432)

Enrollment Dispute Resolution Process

If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute. (42 USC 11432)

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

The written explanation shall be complete, as brief as possible, simply stated and provided in language that the parent/guardian or student can understand. The explanation may include contact information for the county office of education liaison, a description of the county office of education's decision, notice of the right to enroll in the school of choice pending resolution of the dispute, notice that enrollment includes full participation in all school activities, and notice of the right to appeal the decision to the county office of education and, if the dispute remains unresolved, to the California Department of Education.

The county office of education liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. (42 USC 11432)

The liaison shall provide the parent/guardian a copy of the county office of education's decision, dispute form, and a copy of the outcome of the dispute.

If a parent/guardian disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within five working days.

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If the parent/guardian wishes to appeal the county office of education's placement decision, the county office of education liaison shall forward all written documentation and related paperwork to the homeless liaison at the California Department of Education.

ADMINISTRATIVE REGULATION:

First/Second Reading/Adoption: November 15, 2005

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COUNTY OFFICE OF EDUCATION EXPLANATION OF ENROLLMENT DECISION

Instructions: The following form is to be used when the county office of education has denied a parent/guardian's enrollment request.

Date: _____ Name of person completing form: _____
Title: _____ Phone number: _____

In accordance with federal law (42 USC 11432), this notification is being provided to:

Name of parent/guardian: _____

Name of student(s): _____

Name of school requested: _____

County Office of Education's placement decision (name of school): _____

After reviewing your request to enroll your child in the school listed above, your enrollment request has been denied. This determination was based upon:

You have the right to appeal this decision to the County Superintendent. If you are not satisfied with the Superintendent's decision, you may appeal to the California Department of Education. The county office of education's homeless liaison can assist you with this appeal.

Name of County Office of Education homeless liaison: Director of Alternative Education

Address: Jill Kinmont Boothe School, 166 Grandview Lane, Bishop

Phone number: (760) 873-3262

You also have the following rights:

- Pending resolution of this dispute, your child has the right to immediately enroll in the school you requested and to participate in school activities at that school.
- You may provide written or verbal documentation to support your position. You may use the county office of education's dispute resolution form. A copy of the dispute resolution form can be obtained from the county office of education's liaison for homeless students.
- You may seek the assistance of advocates or attorneys to help you with this appeal.

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ENROLLMENT DISPUTE FORM

Instructions: This form is to be completed by a parent/guardian or student when a dispute regarding enrollment has arisen. As an alternative to completing this form, the information on this form may be shared verbally with the county office of education's liaison for homeless students.

Date submitted: _____
Name of person completing form: _____
Student's name: _____
Relation to student: _____

I may be contacted at the following:
Address: _____
Phone number: _____

Name of school requested: _____

I wish to appeal the enrollment decision made by:
 County liaison Superintendent County Office of Education

Reason for the appeal: You may include an explanation to support your appeal in this space or provide your explanation verbally.

I have been provided with:
 A written explanation of the County Office of Education's decision
 Contact information for the County Office of Education's homeless liaison

EXHIBIT:

First Reading/Adoption: November 15, 2005