

MODESTO CITY SCHOOLS

Administrative Regulation

AR 6173

INSTRUCTION

Education for Children in a Transitional Living Situation/Homeless Children

Definitions

Students in a transitional living situation means students who lack a fixed, regular, and adequate nighttime residence and includes: (Education Code 48852.7; 42 USC 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; or 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 students in a transitional living situation because they are living in conditions described in items #1-3 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 student in a transitional living situation attended when permanently housed or the school in which they were last enrolled, including a preschool. If the school the student in a transitional living situation attended when permanently housed is different from the school in which they were last enrolled, or if there is some other school that they attended within the preceding 15 months and with which they are connected, the District liaison for homeless students shall determine, in consultation with and with the agreement of the student in a transitional living situation and the person holding the right to make educational decisions for the student, and in the best interests of the student in a transitional living situation, which school shall be deemed the school of origin. (Education Code 48852.7; 42 USC 11432)

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Best interest means that, in making educational and school placement decisions for a student in a transitional living situation, 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)

District Liaison

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

Senior Director, Student Support Services
426 Locust Street,
Modesto, CA 95351
209.574.1600

The District's liaison for homeless students shall: (Education Code 48852.5; 42 USC 11432)

1. Ensure that students in a transitional living situation are identified by school personnel through outreach and coordination activities with other entities and agencies
2. Ensure that students in a transitional living situation are enrolled in, and have a full and equal opportunity to succeed in, District schools
3. Ensure that families and children and youth in a transitional living situation 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
4. Ensure that families and students in a transitional living situation 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

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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 in a transitional living situation in locations frequented by parents/guardians of children and youth in a transitional living situation 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 in a transitional living situation 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 in a transitional living situation 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. Ensure that school personnel providing services to students in a transitional living situation, including principals and other school leaders, attendance supervisors, teachers, enrollment personnel, and specialized instructional support personnel, receive professional development and other support
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 District 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 in a transitional living situation, including the collection and 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 student in a transitional living situation who is undergoing a disciplinary proceeding that could result in the student's expulsion. When notified pursuant to Education Code 48915.5, the District 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 Superintendent or designee shall inform children and youth that are in a transitional living situation, their parents/guardians, school personnel, service providers, and advocates working with families in a transitional living situation of the duties of the District's liaison. The Superintendent or designee shall also provide the name and contact information of the District's liaison to the California Department of Education (CDE) for publishing on the CDE's web site. (42 USC 11432)

Enrollment

The District shall make placement decisions for students in a transitional living situation based on the student's best interest. (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.

However, placement decisions shall not be based on whether a student in a transitional living situation lives with their transitional living situation 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 right to appeal. (42 USC 11432)

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

1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended
2. Do not have clothing normally required by the school, such as school uniforms
3. Are 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 a transitional living situation

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 District liaison for homeless students. The District 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)

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At the point of any change or subsequent change in the residence of a student in a transitional living situation, the student may continue attending the student's school of origin for the duration of the transitional living situation (Education Code 48852.7; 42 USC 11432)

To ensure that the student in a transitional living situation 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, they 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 district, they shall be allowed to continue to the school designated for matriculation in that district.

If the student's status changes before the end of the school year so that the student is no longer in a transitional living situation, 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 they are in grades K-8
2. Through graduation if they are 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 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

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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 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

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

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interpreter, and 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 liaison's enrollment decision, they may appeal the decision to the Associate Superintendent, Student Support Services. The Associate Superintendent shall make a determination within five working 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.

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

The District shall provide transportation for a student in a transitional living situation to and from the student's 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 of District boundaries, but continues to attend the student's school of origin within this District, the Superintendent or designee shall consult with the Superintendent of the District in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

The District shall not be obligated to provide transportation to students who continue attending their school of origin after they cease to be in a transitional living situation, unless the former transitional living situation student has an IEP that includes transportation as a necessary related service for the student. (Education Code 48852.7)

Transfer of Coursework and Credits

When a student in a transitional living situation 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, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school and shall not require the student to retake the course. (Education Code 51225.2)

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If a student in a transitional living situation did not complete the entire course, they shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that they did not complete at their 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 student in a transitional living situation 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 one (1) credit for every 14 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 student in a transitional living situation 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, a student in a transitional living situation shall complete all courses required by Education Code 51225.3 and fulfill any additional graduation requirements prescribed by the Governing Board.

However, when a student in a transitional living situation who has completed their second year of high school transfers into the District from another school district or transfers between high schools within the District, they 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 their fourth year of high school. Within 30 calendar days of the student in a transitional living situation's transfer, the Superintendent or designee shall notify the student, the person holding the right to make educational decisions for the student, 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 in a transitional living situation. (Education Code 51225.1)

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To determine whether a student in a transitional living situation is in their third or fourth year of high school, the District shall use either the number of credits the student has earned as of the date of the transfer or the length of the student's school enrollment, whichever qualifies the student for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any student in a transitional living situation who is granted an exemption and the person holding the right to make educational decisions for the student 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 student in a transitional living situation 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 in a transitional living situation, 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 student in a transitional living situation is exempted from local graduation requirements, the exemption shall continue to apply after the student is no longer in the transitional living situation or if the student transfers to another school, including a charter school, or school district. (Education Code 51225.1)

If the Superintendent or designee determines that a student in a transitional living situation is reasonably able to complete District graduation requirements within the fifth year of high school, the 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 the student, 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 the ability to gain admission to a postsecondary educational institution
2. Provide information to the student in a transitional living situation about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student in a transitional living situation 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 the District's graduation requirements

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Eligibility for Extracurricular Activities

A student in a transitional living situation who enrolls in any District school shall have access to extracurricular and enrichment activities that are available to all students in the school, including but not limited to, interscholastic sports administered by the California Interscholastic Federation. (Education Code 48850)

Notification, Complaints, and Posting Requirements

Information regarding the educational rights of students in a transitional living situation, 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 students in a transitional living situation, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the District's procedures in AR 1312.3 - Uniform Complaint Procedures

The Superintendent or designee shall ensure that a list of the District's liaison(s) and the contact information for such liaison(s), as well as specific information on transitional living situations, including, but not limited to, information regarding the educational rights and resources available to persons experiencing a transitional living situation, are posted on the District's web site. (Education Code 48852.6)

Each District school that has a web site shall also post the contact information for the District liaison and the name and contact information of any employee or other person under contract with the school who assists the District liaison in completing the liaison's duties pursuant to 42 USC 11432. (Education Code 48852.6)

Legal Reference:

EDUCATION CODE

39807.5 Payment of transportation costs by parents -

48850 Academic achievement of students in foster care and homeless children

48850-48859 Education of homeless and foster youth

48851 Identification of homeless children and youths and unaccompanied youths; housing Questionnaire

48851.5 Local educational agency liaison for homeless children and youths

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Legal Reference (cont.):

48852.5 Notice of educational rights of homeless students

48852.6 Information regarding homelessness

48852.7 Education of homeless students; immediate enrollment

48859 Definitions

48915.5 Recommended expulsion, homeless student with disabilities 48918.1

Notice of recommended expulsion

48985 Notices to parents in language other than English

51225.1-51225.3 Graduation requirements

52052 Accountability; numerically significant student subgroups

52060-52077 Local control and accountability plan

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

UNITED STATES CODE, TITLE 20

1087vv Free Application for Federal Student Aid; definitions

1232g Family Educational Rights and Privacy Act of 1974

6311 State plan

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

12705 Cranston-Gonzalez National Affordable Housing Act; state and local strategies

Management Resources:

CALIFORNIA CHILD WELFARE COUNCIL PUBLICATIONS

Partial Credit Model Policy and Practice Recommendations CALIFORNIA

DEPARTMENT OF EDUCATION PUBLICATIONS

2021-22 Federal Program Monitoring Instrument, May 2021

Homeless Education Dispute Resolution Process, March 2020

NATIONAL CENTER FOR HOMELESS EDUCATION PUBLICATIONS

Homeless Liaison Toolkit, 2020

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Education for Homeless Children and Youths Program, Non-Regulatory Guidance, July 2016

WEB SITES

CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>

California State University: <https://www.calstate.edu/>

University of California: <https://www.universityofcalifornia.edu/>

California Homelessness Law Center: <https://homelesslaw.org/>

U.S. Department of Education – Education for Homeless Children and Youth Grants for State and Local Activities: <https://www2.ed.gov/programs/homeless/index.html>

California Community Colleges: <https://www.cccco.edu/>

California Interscholastic Federation: <https://www.cifstate.org/>

*California Department of Education, Homeless Children and Youth Education:
<https://www.cde.ca.gov/sp/hs/>*

National Center for Homeless Education at SERVE: <https://nche.ed.gov/>

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Management Resources (cont.):

National Law Center on Homelessness and Poverty:

<https://www.laaonline.org/organization/6994/national-law-center-homelessness-poverty-nlchp/>

U.S. Department of Education: <https://www.ed.gov/>

California Child Welfare Council: <https://www.ed.gov/>

Cross References (cf.):

0410 – Nondiscrimination in District Programs And Activities

0415 – Equity

0460 - Local Control and Accountability Plan (N/A)

0470 – COVID-19 Mitigation Plan (N/A)

0500 – Accountability

1113 – District And School Web Sites

1312.3 – Uniform Complaint Procedures

1400 – Relations Between Other Governmental Agencies And The Schools (N/A)

3250 – Transportation Fees (N/A)

3260 – Fees And Charges

3515.4 – Recovery For Property Loss Or Damage

3541 – Transportation Routes And Services (N/A)

3550 – food Service/Child Nutrition Program

3553 – Free And Reduced Price Meals

4112.9 – Employee Notification

4131/4231/4331 – Staff Development

4312.9 – Employee Notifications (N/A)

4331 – Staff Development(N/A)

5111 - Admission

5111.1 - District Residency

5113.1 – Chronic Absence And Truancy

5113.11 – Attendance Supervision

5125 – Student Records

5125.1 – Release Of Directory Information

5125.2 – Withholding Grades, Diploma Or Transcripts

5132 – Dress and Grooming

5141.22 – Infectious Diseases

5141.26 – Tuberculosis Testing

5141.31 – Immunization

5141.32 – Health Screening For School Entry

5141.6 – School Health Services (N/A)

5141.31 – Immunization

5141.32 – Health Screening For School Entry

5141.6 – School Health Services (N/A)

5141.6 – Aid for Students in Need

5144.1 – Suspension And Expulsion/Due Process

5144.2 – Suspension And Expulsion /Due Process (Students With Disabilities)

5145.6 – Parental Notifications

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Cross References (cf) (cont.):

5148.2 – Before/After School Programs
5148.3 – Preschool/Early Childhood Education
6011 – Academic Standards
6120 – Response To Instruction And Intervention (N/A)
6143 – Courses of Study
6145 – Extracurricular And Cocurricular Activities
6145.2 – Athletic Competition
6146.1 – High School Graduation Requirement
6146.3 – Reciprocity Of Academic Credit
6159 – Individualized Education Program
6159.1 – Procedural Safeguards And Complaints For Special Education
6159.3 – Appointment Of Surrogate Parent For Special Education Students
6162.51 – State Academic Achievement Tests
6164.2 – Guidance/Counseling Services
6164.5 – Student Success Teams
6171 – Title I Programs
6172 – Gifted And Talented Student Program (N/A)
6173.1 – Education For Foster Youth
6174 – Education for English Learners
6177 – Summer Learning Programs (N/A)
6178 – Career Technical Education
6179 – Supplemental Instruction
6190 – Evaluation Of The Instructional Program (N/A)

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