

Big Sur Charter School

Student Policy # SP 2015-1

EDUCATION FOR HOMELESS CHILDREN/STUDENTS IN TRANSITION

The Big Sur Charter School Board of Trustees recognizes its obligations and desires to ensure that homeless children have access to the same free and appropriate public education provided to all children in the school. Homeless students will be provided with access to education and other services necessary to meet the same challenging performance standards as all students. Students shall not be segregated into a separate program based on their status as homeless, nor shall homeless students be stigmatized in any way.

The School Director 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.

Definitions

Homeless means students who lack a fixed, regular and adequate nighttime residence and includes: (42 USC 11434(a))

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))

Local Education Agency Liaison

The School Director or designee will designate a staff person as the LEA liaison for homeless students (42 USC 11432)

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The LEA'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.
2. Homeless students enroll in, and have a full and equal opportunity to succeed in school.
3. Homeless families and students receive educational services for which they are eligible and referrals to health care services, dental services, mental health services, and other appropriate services.
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.

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 school 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 the school of origin for the duration of the homelessness and until the end of any academic year in which the student moves into permanent housing. (42 USC 11432)

In the case of an unaccompanied youth, the LEA'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)

If the student is placed at a school other than the school of origin or a school requested by the parent/guardian, the School Director 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)

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Once a placement decision has been made, the School Director 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)

The School Director 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 School Director or designee shall refer the parent/guardian to the LEA homeless liaison. The homeless liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student. (42 USC 11432)

Enrollment Dispute Resolution

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 or unaccompanied youth shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's or unaccompanied youth's right to appeal the decision according to the state's enrollment dispute resolution process. The parent/guardian or unaccompanied youth shall also be referred to the LEA's homeless liaison. (42 USC 11432)

State's Enrollment Dispute Resolution Process

The child/youth must be immediately enrolled in the school in which he/she is seeking enrollment, pending resolution of the dispute. The school must refer the parent/guardian or unaccompanied youth to the LEA's homeless liaison to carry out the dispute resolution process as expeditiously as possible. The homeless liaison must ensure that the dispute resolution process is also followed for unaccompanied youth.

A written explanation of the school's decision regarding school selection or enrollment must be provided if a parent/guardian or unaccompanied youth disputes such a school selection or enrollment decision, including the right to appeal. The written explanation shall be complete, as brief as possible, simply stated, and provided in a language that the parent/guardian or unaccompanied youth can understand.

If a parent/guardian or unaccompanied youth disagrees with the LEA's enrollment decision, he/she may appeal to the county office of education (COE). The LEA's homeless liaison shall forward all written documentation and related paperwork to the homeless liaison at the COE.

The COE's homeless liaison will review these materials and determine the school selection or

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enrollment decision within five (5) working days of receipt of the materials. The COE's homeless liaison will notify the LEA and the parent/guardian or the LEA's homeless liaison on behalf of the unaccompanied youth of the COE's homeless liaison's decision.

If a parent/guardian or unaccompanied youth disagrees with the COE's homeless liaison's decision, he/she may appeal to the California Department of Education's State Coordinator for Homeless Education. The COE's homeless liaison shall forward all written documentation and related paperwork to the State Coordinator for Homeless Education.

Upon the review of the LEA, COE, and parent/guardian or unaccompanied youth information, the State Coordinator for Homeless Education will notify the parent/guardian or the LEA's homeless liaison on behalf of the unaccompanied youth and the LEA of the final school selection or enrollment decision within ten (10) working days of receipt of materials. The State Coordinator for Homeless Education, Leanne Wheeler, can be reached by phone at 916-319-0383 or by e-mail at lwheeler@cde.ca.gov.

Legal Reference:

UNITED STATES CODE TITLE 42

McKinney-Vento Homeless Assistance Act

Adopted November 20, 2015

Mimi Hoppas, BSCS Board Secretary