

CSBA – El Sol Science & Arts Academy

Board Policy

Education For Homeless Children

BP 6173

Instruction

***Note: In 2001, the McKinney-Vento Homeless Assistance Act was reauthorized as part of the No Child Left Behind Act (42 USC 11431-11435). This Act is designed to ensure that each homeless student has equal access to the same free, appropriate public education as other students. The following paragraph reflects the intent of the reauthorized McKinney-Vento Homeless Assistance Act. ***

The Governing Board desires to ensure that homeless students have access to the same free and appropriate public education provided to other students within the school. The school 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.

***Note: 42 USC 11432 mandates that school adopt policies and practices that ensure that homeless children are not segregated or stigmatized on the basis of their status as homeless. This law also prohibits the segregation of homeless students into a separate school or program; however, separate schools that were in operation before the reauthorization in 2001 may continue to operate under specified conditions. Because the state of California receives funds under McKinney-Vento, all schools in California are subject to this mandate. ***

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.

(cf. 3553 - Free and Reduced Price Meals)

***Note: Pursuant to 42 USC 11432, placement determinations for homeless students must be made according to the student's "best interest," as defined in the accompanying administrative regulation. ***

The Executive Director or school shall ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulation.

Transportation

***Note: 42 USC 11432 mandates that the school adopt policies and practices to ensure that transportation is provided to homeless students, at the request of their parent/guardian, to and from their school of origin as specified below. ***

***Note: The U.S. Department of Education states in its Non-Regulatory Guidance Education

for Homeless Children and Youth Program, issued July 2004, that the law imposes an affirmative obligation to transport homeless students, even if transportation is not provided to other students. The Guidance clarifies that, because the state of California receives funds under McKinney-Vento, all schools in California are subject to this requirement. ***

***Note: Federal law does not address the authorization provided by Education Code 39807.5 for the school to charge for the cost of home-to-school transportation. However, it is likely that most homeless students would be identified as indigent and would therefore be exempt from transportation costs. See AR 3250 - Transportation Fees. ***

The school shall provide transportation for a homeless student to and from his/her school of origin when the student is residing within the district and the parent/guardian requests that such transportation be provided. If the student moves outside of district boundaries, but continues to attend his/her school of origin within this district, the Executive Director or school shall consult with the Executive Director of the school in which the student is now residing to agree upon a method to apportion the responsibility and costs of the transportation. (42 USC 11432)

(cf. 3250 - Transportation Fees)
(cf. 3541 - Transportation Routes and Services)

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

48850 Educational rights; participation in extracurricular activities

48852.5 Notice of educational rights of homeless students

48915.5 Recommended expulsion; homeless student with disabilities

48918.1 Notice of recommended expulsion

51224.1-51225.3 Graduation requirements

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

CALIFORNIA CHILD WELFARE COUNCIL

Partial Credit Model Policy and Practice Recommendations

CALIFORNIA DEPARTMENT OF EDUCATION

Homeless Education Dispute Resolution Process, January 30, 2007

NATIONAL CENTER FOR HOMELESS EDUCATION PUBLICATIONS

Homeless Liaison Toolkit, 2013

U.S. DEPARTMENT OF EDUCATION GUIDANCE

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

WEB SITES

California Child Welfare Council

<http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx>
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>

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