

## 2016 ESSA and California Laws Impacting Homeless Education

Subject Matter	Every Student Succeeds Act (ESSA)	California Law
<b>Student Rights</b>	<ul style="list-style-type: none"> <li>• Homeless children and youth must be enrolled in school immediately, even if they have missed application or enrollment deadlines during any period of homelessness.</li> <li>• LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of homeless students in school, including barriers due to fees, fines, and absences.</li> <li>• If a dispute arises over eligibility, school selection or enrollment, the child or youth must be immediately enrolled in the school in which the parent, guardian or unaccompanied youth seeks enrollment, pending resolution of the dispute, including all available appeals.</li> <li>• In the case of a dispute, written explanations must be provided of decisions related to school selection or enrollment made by the school, LEA or SEA, including the right to appeal.</li> <li>• Identification of homeless children and youth is added to: the activities and services for which state grants must be used; the professional development activities for liaisons and other school personnel that States must provide; the list of barriers that SEAs and LEAs must regularly review and revise; the purpose of coordination among liaisons and community and housing agencies; the purpose of LEA sub-grants.</li> <li>• LEAs must coordinate McKinney-Vento and special education services within the LEA, and with other involved LEAs.</li> <li>• USDOE Secretary must disseminate public notice about the educational rights of homeless children and youth nationwide to all Federal agencies and grant recipients serving homeless families, children or youth; provide support and technical assistance to SEAs concerning areas in which documented barriers to a free appropriate public education persist; issue guidelines concerning how a State may assist LEAs to implement the amendments and may revise state policies and procedures to remove barriers to the identification, enrollment, attendance, and success of homeless children and youth in school.</li> </ul>	<p><b>AB 379 (EC §§48853, 48853.5, 49069.5, 51225.1, 51225.2):</b> If any of the rights related to local graduation requirements exemption, partial credits, or notifications are not afforded, a homeless student may file a UCP complaint.</p> <p><b>AB 1806 (EC §§48915.5, 48918.1, 51225.1, 51225.2):</b> Homeless Liaison is required to be invited to the IEP manifestation determination meeting <i>if</i>: meeting is regarding a homeless student with exceptional needs (special education); and LEA is proposing a placement change; and, the proposed placement change is due to an act for which a decision to recommend expulsion is at the discretion of the principal or the LEA’s superintendent.</p> <ul style="list-style-type: none"> <li>• LEA must provide homeless liaisons notice of expulsion hearing <i>if</i>: the hearing is regarding a homeless student; and, the decision to recommend expulsion is discretionary.</li> <li>• LEA <i>may</i> provide homeless liaisons notice of expulsion hearings <i>if</i>: the hearing is regarding a homeless student; and, the recommendation of expulsion is required.</li> <li>• The above notices must be given at least 10 calendar days prior to the expulsion hearing.</li> </ul>
<b>Local Liaison Functions</b>	<p>Liaisons must:</p> <ul style="list-style-type: none"> <li>• Be able to carry out their duties described in the law.</li> </ul>	<p><b>AB 1733 (H&amp;S §103577, VC §14902):</b> Require a homeless education liaison that has knowledge of a</p>

## 2016 ESSA and California Laws Impacting Homeless Education

Subject Matter	Every Student Succeeds Act (ESSA)	California Law
	<ul style="list-style-type: none"> <li>• Disseminate public notice of McKinney-Vento rights in locations frequented by parents, guardians, and unaccompanied youth, in a manner and form understandable to parents, guardians, and youth.</li> <li>• Ensure that school personnel providing McKinney-Vento services receive professional development and other support.</li> <li>• Are authorized to affirm whether children and youth meet the U.S. Department of Housing and Urban Development (HUD) definition of homelessness, to qualify them for HUD homeless assistance programs.</li> <li>• Must refer homeless families and students to housing services, in addition to other services.</li> <li>• LEAs must adopt policies and practices to ensure that liaisons participate in professional development and other technical assistance activities.</li> </ul>	<p>person’s housing status to verify the person’s status as a homeless person or homeless child or youth for purposes of obtaining an ID card or birth certificate fee waiver.</p> <p><b>SB 252 (EC §§48412, 51421, 51421.5):</b> A school homeless liaison qualifies as a homeless services provider who can verify the homeless status of a student, for purposes of the fee waiver for the California high school proficiency examination.</p>
<b>School Stability</b>	<p>In determining the school that is in a child or youth’s best interest to attend, LEAs must:</p> <ul style="list-style-type: none"> <li>• Make a best interest determination, with a presumption that staying in the school of origin is in the child or youth’s best interest, unless it is against the wishes of the parent, guardian or unaccompanied youth.</li> <li>• Consider student-centered factors related to the child’s or youth’s best interest, including factors related to the impact of mobility on the achievement, education, health, and safety of homeless children and youth, giving priority to the wishes of the parent or guardian, or the unaccompanied youth.</li> <li>• Provide a written explanation including the right to appeal the decision, if after conducting the best interest determination, the LEA determines that it is not in the child’s or youth’s best interest to attend the school of origin or the school requested by the parent, guardian or unaccompanied youth. The explanation must be in a manner and form understandable to the parent, guardian or youth.</li> <li>• Give priority to the views of unaccompanied youth in best interest determinations.</li> </ul>	<p><b>SB 445 (EC §§48852.7, 48859):</b></p> <p>Any change or subsequent change in residence once a student becomes homeless; the LEA shall:</p> <ul style="list-style-type: none"> <li>• Allow the homeless child to continue at his/her school of origin through the duration of homelessness.</li> <li>• If the student’s homeless status changes to permanent housing status before the end of the academic year the either of the following apply: <ul style="list-style-type: none"> <li>○ If the student is in high school, the LEA shall allow the formerly homeless student to continue his/her education in the school of origin through graduation.</li> <li>○ If the student is in kindergarten or any of grades 1-8, the LEA shall allow the formerly homeless child to continue his/her education in the school of origin through the duration of the school year.</li> </ul> </li> <li>• To ensure the homeless student has the benefit of matriculating with his/her peers in accordance with the established feeder patterns of school districts the following apply:</li> </ul>

## 2016 ESSA and California Laws Impacting Homeless Education

Subject Matter	Every Student Succeeds Act (ESSA)	California Law
	<ul style="list-style-type: none"> <li>• The definition of school of origin includes the designated receiving school at the next grade level for all feeder schools, when a student completes the final grade level served by the school of origin. The determination of whether it is in a student’s best interest to follow the feeder school pattern is subject to the same process as other best interest determinations.</li> <li>• When a student obtains permanent housing, transportation to the school of origin must be provided until the end of the academic year, if it is in the student’s best interest to remain in that school.</li> </ul>	<ul style="list-style-type: none"> <li>○ If the student is transitioning between school grade levels, the LEA shall allow the student to continue in the school district of origin in the same attendance area;</li> <li>○ If the students is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the LEA shall allow the homeless child to continue to the school designated for matriculation in the district of origin.</li> <li>• The new school shall immediately enroll the student even if the student has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce clothing or records normally required for enrollment.</li> <li>• <i>Definition of School or Origin:</i> School that the homeless student attended when permanently housed of the school in which the homeless student was last enrolled. If the school the student attended when permanently housed is different from the school in which the homeless child was last enrolled, or if there another school that the student attended with which the student is connected and had attended within the immediately preceding 15 months, the educational liaison through consultation with the educational rights holder and student shall determine school that shall be deemed the school of origin.</li> </ul>
<b>Credit Accrual and College Readiness</b>	<p>LEAs:</p> <ul style="list-style-type: none"> <li>• Must have procedures to identify and remove barriers that prevent students from receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies, and</li> <li>• Ensure that unaccompanied homeless youth have opportunities to meet the same State academic achievement standards as the State establishes for other children and youth including by</li> </ul>	<p><b>AB 1806 (EC §51225.1, 51225.2)</b></p> <ul style="list-style-type: none"> <li>• Graduation: allows partial credits for work that has been completed and also allows homeless students who enter a new high school after their second year or later to graduate if they complete state graduation requirements (130 credits) - specific criteria involved and notification process within 30 days of when student may qualify.</li> </ul>

## 2016 ESSA and California Laws Impacting Homeless Education

Subject Matter	Every Student Succeeds Act (ESSA)	California Law
	<p>implementing procedures to remove barriers that prevent homeless youth from receiving credit for full or partial coursework satisfactorily completed at a prior school.</p> <ul style="list-style-type: none"> <li>• Plans must describe how homeless youth will receive assistance from school counselors to advise, prepare, and improve their readiness for college.</li> <li>• Must ensure that unaccompanied homeless youth informed of their status as independent students for college financial aid and may obtain assistance to receive verification for the FAFSA.</li> </ul>	<ul style="list-style-type: none"> <li>• Partial credits: Requires school districts and county offices of education to accept coursework satisfactorily completed by a homeless student and requires the issuance of full or partial credit for the coursework completed. More stipulations than what is noted here.</li> </ul> <p><b>AB 1166 (EC §51225.1)</b> If the district fails to notify a homeless student of the ability to be exempt from local graduation requirements, the student is still eligible for the exemption even after no longer homeless. If a homeless student is exempted from local graduation requirements, the exemption continues to apply after the student is no longer homeless or if the student transfers to another school/district.</p> <p><b>AB 1228 (EC §§66019.3, 76010, 90001.5, 92660):</b></p> <ul style="list-style-type: none"> <li>• Establishes a priority for campus housing for homeless or formerly homeless youth attending California community colleges, CSU, or UC campuses.</li> <li>• Subject to agreement by resolution, if a CC, CSU or UC campus maintains student housing facilities, the CC/CSU/UC will provide housing in facilities that are open for uninterrupted year-round occupation to current/former homeless youth at no extra cost during breaks.</li> <li>• Requests a plan from CC/CSU/UC to be developed to ensure current and former homeless (and foster) youth can access housing resources during and between academic terms.</li> </ul>
<p><b>Access to Extracurricular Activities</b></p>	<p>LEAs must have procedures in place to ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State/ local levels</p>	<p><b>SB 177 (EC §§48850 48852.5):</b> A homeless child or youth be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities</p>

## 2016 ESSA and California Laws Impacting Homeless Education

Subject Matter	Every Student Succeeds Act (ESSA)	California Law
<b>Privacy</b>	Schools must treat information about a homeless child's or youth's living situation as a student education record, subject to all the protections of the Family Educational Rights and Privacy Act (FERPA).	<b>AB 1068 (EC §§49073, 49076):</b> Prohibits disclosure of directory information for homeless youth <i>unless</i> homeless parent/ unaccompanied youth opts in. Permits a LEA to give access to a pupil's records to the pupil, if he/she is 14 years of age or older and is both a homeless child or youth and an unaccompanied youth AND an individual who completes the Caregiver's Authorization Affidavit 1-4
<b>Interaction with Foster/Dependency System</b>	<i>Effective December 10, 2016</i> , the phrase "awaiting foster care placement" will be deleted from the definition of homelessness in the McKinney-Vento Act	<b>AB 652 (PC §11165.15):</b> Clarifies that child/youth's homelessness or being classified as unaccompanied youth is not in itself a sufficient basis for reporting child abuse/neglect
<b>Preschool</b>	<ul style="list-style-type: none"> <li>• State plans must include procedures that ensure that homeless children have access to public preschool programs, administered by the SEA or LEA, as provided to other children.</li> <li>• Liaisons must ensure homeless families and children can access early intervention services under IDEA Part C, if eligible.</li> <li>• The definition of school of origin includes preschools.</li> <li>• Homeless children (as defined by the McKinney-Vento education subtitle definition) are categorically eligible for Head Start. No need to prove income.</li> </ul>	<b>AB 982 (EC §8263):</b> Expand the list of children to be identified to include a homeless child A as well as the types of agencies that can verify that a family is homeless: <ul style="list-style-type: none"> <li>• Local Educational Agency homeless liaison</li> <li>• Head Start program</li> <li>• Transitional shelter</li> </ul>
<b>Fee Waivers for Birth Certificate, ID Card, High School Proficiency Exam</b>	LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of homeless students in school, including barriers due to fees, fines, and absences.	<b>AB 1733 (H&amp;S §103577, VC §14902):</b> Requires each local registrar or county recorder to issue, without a fee, a certified record of live birth to any person who can verify his or her status as a homeless person or a homeless child or youth <i>as of July 1, 2015</i> . <ul style="list-style-type: none"> <li>• Requires the Department of Motor Vehicles to issue, without a fee, an original or replacement identification card to a person who can verify his or her status as a homeless person or homeless child or youth <i>as of January 1, 2016</i>.</li> <li>• Require the State Department of Public Health to develop an affidavit attesting to an applicant's status as a homeless person or homeless child or youth.</li> <li>• Require a homeless services provider, as described that has knowledge of a person's housing status to</li> </ul>

## 2016 ESSA and California Laws Impacting Homeless Education

Subject Matter	Every Student Succeeds Act (ESSA)	California Law
		<p>verify the person’s status as a homeless person or homeless child or youth for purposes of this provision.</p> <p><b>SB 252 (EC §§48412, 51421, 51421.5):</b> Prohibits charging a fee to homeless youth under 25 years of age who can verify his/her status as a homeless youth for the high school proficiency exam and equivalency tests. This includes contractor or testing fees too.</p> <p>Allows a homeless services provider that has knowledge of the person's housing status to verify the homeless status.</p>
<b>Nutrition Assistance</b>	<p>LEAs must develop, review, and revise policies to remove barriers to the identification, enrollment, and retention of homeless students in school, including barriers due to fees, fines, and absences.</p>	<p><b>AB 309 (WIC §§18901, 18904.25):</b> CalFresh Supplemental Nutrition Assistance Program (SNAP) clarifies that there is no minimum age requirement for unaccompanied homeless youth to apply. If denied, DPSS must provide written notice to youth about targeted expedited services to LEAs.</p> <p><b>SB 708 (EC §49557):</b> Districts may provide applications for free or reduced-price meals electronically available online with specific resource links and comply with privacy rights and must include clear instructions for families that are homeless or are migrant.</p>
<b>Funding</b>	<p>For subgrants, in addition to existing quality criteria, sub grant applications will be judged on the extent to which the LEA uses the sub-grant to leverage resources, including maximizing other funding for the position of the liaison and the provision of transportation, and how the LEA uses Title IA set-aside funds to serve homeless children and youth.</p> <p>McKinney-Vento sub-grant funds may be used to attract, engage, and retain homeless children and youth who are not enrolled in school.</p>	<p><b>AB 104 (EC §52052):</b> Require all schools with at least 15 homeless students to have their test scores reported out as a “subgroup”; however, homeless youth are not a separate unduplicated count category...homeless youth remain under the “low socioeconomic” category.</p>