



Homeless/Foster Children and Youth: Differences and Similarities within the Law

Legal Requirement	Homeless	Foster
School District Liaison	Federal requirement	State requirement
School of Origin	Last school enrolled or attending when permanently housed. Once permanently housed, student may remain until the end of the school year. No matriculation rights.	Any school attended within the last 15 months. When no longer under court jurisdiction, can attend for the duration of the school year (K-8) or through graduation (9-12). May matriculate with peers.
Enrollment	Required immediately, regardless of lack of documentation, immunizations, etc.	Required immediately, regardless of lack of documentation, immunizations, etc.
Immunizations	Must be enrolled regardless of lack of immunization information including Tdap.	Must be enrolled regardless of lack of immunization information including Tdap.
School Transfer of Records	State: completed within 10 days	State: completed within 2 days of receiving request
Special Education	Appropriate and immediate placement in classes regardless of records; 30-day review.	Appropriate and immediate placement in classes regardless of records; 30-day review.
Equal access	Every program or afterschool activity that any other student would qualify for.	Every program or afterschool activity that any other student would qualify for.
Free and Reduced Lunch	Automatic qualification	Automatic qualification
Transportation	Provided or arranged by district(s), if needed. If student attends school in one district and resides in another; both districts must work together or split the cost.	Provided by caregiver or foster parent. Placement agency must provide reimbursement to caregiver. This applies only to students not receiving transportation services through an IEP.
Partial Credits	Schools must provide credits based on the amount of time student was present, regardless of whether student completed the semester at the school. (AB 1806 – Ch. 767, Stats. 2014)	Schools must provide credits based on the amount of time student was present, regardless of whether student completed the semester at the school. (SB 578 – Ch. 472, Stats. 2011)
Grade and Credit Protection	Student maintains grade and credit earned from previous school placement, even if student transfers mid-semester. (AB 1806 – Ch. 767, Stats. 2014)	Student maintains grade and credit earned from previous school placement, even if student transfers mid-semester. (AB 490 – Ch. 862, Stats. 2003)
Minimum Requirements for Graduation	Must be considered homeless, transfer after the 2 nd year of high school, unable to complete local requirements within 4 years, and be informed within 30 days of transfer. (AB 1806 – Ch. 767, Stats. 2014)	Must be considered a foster youth, transfer after the 2 nd year of high school, unable to complete local requirements within 4 years, and be informed within 30 days of transfer. (AB 216 – Ch. 324, Stats. 2013)
Dispute Resolution Process	Required to have process: District to County to State	Required to have a district process
Expulsion	10 day notice to liaison for manifestation determination and expulsion hearing. (AB 1806 – Ch. 767, Stats. 2014)	10 day notice to attorney, educational rights holder, and social worker for extension of suspension, manifestation determination and expulsion hearing. (AB 1909 – Ch. 849, Stats. 2012)