



OFL-Capistrano Education of Homeless Youth and Foster Youth Policy

Overview

OFL-Capistrano (“School”) recognizes that homeless youth and foster youth may face significant barriers to achieving academic success due to their circumstances, disruption to their educational program, and their emotional, social, and health needs. The School provides homeless youth and foster youth with meaningful opportunities to meet the same academic achievement standards to which all pupils are held. The purpose of this policy is to ensure that the School community understands their rights, obligations, and duties related to educating homeless youth and foster youth.

In fulfilling its responsibilities, the School, in collaboration with the county child welfare agencies, care providers, advocates, and the juvenile courts will work to maintain stable school placements and ensure that each youth is placed in the least restrictive educational program, and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, the School will ensure that educational and school placement decisions are based on the youth’s best interests and will consider, among other factors, educational stability and the opportunity to be educated in the least restrictive educational setting. The School is committed to ensuring that it complies with all state and federal laws governing the rights of homeless youth and foster youth.

Definitions

For purposes of this policy:

- “Foster youth” is defined as a pupil who has been removed from his or her home, pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institution Code.
- “Homeless youth” is defined as a pupil who lacks a fixed, regular, and adequate nighttime residence and includes:
 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.



Opportunities For Learning Public Charter Schools

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” for foster youth is defined as any of the following:
 1. The school the youth attends at the time they entered the foster care and/or probation system(s);
 2. The school the youth most recently attended; or
 3. Any school the youth attended in the preceding 15 months with which they have a connection.
 - “School of origin” for homeless youth is defined as the school that the homeless child attended when permanently housed or the school in which the homeless child was last enrolled.
 - “Unaccompanied youth” means a youth not in the physical custody of a parent or guardian.

Education Rights Holder Defined

Every homeless youth and foster youth under the age of 18, except unaccompanied youth, must have an education rights holder who has the authority to make education decisions. The education rights holder can be the youth’s biological parent, foster parent, relative caregiver, or a court-appointed individual. Youth over the age of 18 automatically hold their own education rights.

Homeless Youth and Foster Youth Liaison

The School has designated a Homeless Youth and Foster Youth Liaison (“Liaison”) who will be responsible for, among other things, identifying homeless youth and foster youth, ensuring and facilitating proper educational placement, enrollment in and check out from school, and assisting with proper transfer of credits, records, and grades. The role of the Liaison is advisory with respect to placement decisions and determination of school of origin and shall be consistent with state and federal laws. Homeless youth and foster youth will receive information about their educational rights as well as the contact information for the Liaison upon enrollment. The School’s Liaison is considered the Point of Contact when corresponding with county child welfare agencies.

Right to Attend School of Origin

The School shall allow homeless youth and foster youth to continue attending their school of origin in accordance with applicable legal requirements.



Opportunities For Learning Public Charter Schools

For foster youth, in the event that the court's jurisdiction ends before the end of the academic year, the School shall allow the former foster youth who is in kindergarten through grade 8 to continue their education at the school of origin through the duration of the academic year. If the court's jurisdiction ends while the youth is in high school, the School shall allow the youth to continue in their school of origin through graduation.

For homeless youth, if the youth's status changes before the end of the academic year so that they are no longer homeless, the School shall allow the formerly homeless youth who is in kindergarten through grade 8 to continue their education in the school of origin through the duration of the academic school year. If the youth's status changes while in high school, the School shall allow the formerly homeless youth to continue their education in the school of origin through graduation.

The Liaison, in consultation with, and with the agreement of, the youth and the education rights holder may determine that the best interests of the youth would be served if he or she transfers to a school other than the school of origin. Before making a recommendation to move a youth from the school of origin, the Liaison shall provide the youth and the education rights holder a written explanation stating the basis for the recommendation and how the recommendation serves the youth's best interests.

If a dispute arises regarding the youth's right to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute.

Immediate Enrollment and Timely Transfer of Records

All homeless youth and foster youth who seek enrollment at the School shall be immediately enrolled, even if the youth has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or the youth is unable to produce records normally requested upon enrollment, such as previous academic records, medical records (e.g., immunization record), or proof of residency.

Within two business days of a foster youth's request for enrollment, School staff will work with the youth's education rights holder, attorney, child welfare agency, social worker, probation officer, and/or public health department to quickly obtain all necessary educational records, including the youth's Individualized Education Program (IEP) or Section 504 Plan, if applicable. If the youth transfers from the School, the School will transfer all applicable school records to the new school within two business days of receipt of the request.

Meetings with School Counselor

Homeless youth and foster youth will meet with a School Counselor within the first 30 days of enrollment. The School Counselor will review the youth's records, including current transcripts and all applicable test scores, to determine an appropriate learning plan and course of study for the youth.

Right to Partial Credits

The School shall accept coursework satisfactorily completed by homeless youth or foster youth, even if the youth did not complete the entire course, and shall issue that youth full or partial



credit for the coursework completed. Accepted credits shall be applied to the same or equivalent course, if applicable, as the coursework completed in the prior public school, juvenile court school, charter school, school in a country other than the United States, or nonpublic, nonsectarian school.

The School will not require a homeless youth or foster youth to retake a course if the youth has satisfactorily completed the entire course in a public school, a juvenile court school, a charter school, a school in a country other than the United States, or a nonpublic, nonsectarian school. If the youth did not complete the entire course, the School will not require the youth to retake the portion of the course the youth completed unless the School, in consultation with the holder of educational rights for the youth, finds that the youth is reasonably able to complete the requirements in time to graduate from high school. When partial credit is awarded in a particular course, the youth shall be enrolled in the same or equivalent course, if applicable, so that the youth may continue and complete the entire course.

The School will ensure that if a homeless youth or foster youth transfers to another school, the grades and credits of the youth will be calculated as of the date the youth left the School and no lowering of grades will occur as a result of the absence of the youth under these circumstances, including those absences related to verified court appearances or other court ordered activity.

Graduation Requirements

Homeless youth and foster youth may be eligible for an exemption from local graduation requirements under certain conditions as provided under Education Code section 51225.1. Homeless youth or foster youth who transfer between schools at any time after the completion of the youth's second year of high school shall be exempt from all coursework and other requirements adopted by the School's Governing Board that are in addition to statewide course requirements, unless the School makes a finding that the youth is reasonably able to complete the local graduation requirements in time to graduate from high school by the end of the youth's fourth year of high school. A homeless youth or foster youth, the youth's education rights holder, the youth's social worker, or the youth's probation officer cannot request a transfer solely to qualify the youth for an exemption.

Within 30 calendar days of the date that a homeless youth or foster youth who may qualify for the exemption from local graduation requirements transfers to the School, the School will notify the youth, the education rights holder, and the youth's social worker or probation officer of the availability of the exemption and whether the youth qualifies for an exemption.

To qualify for an exemption to the local graduation requirements, the following eligibility requirements must be met:

1. The pupil must be classified as homeless youth or foster youth;
2. The youth must have transferred schools after his or her second year of high school (the school can use the number of credits earned or the total length of enrollment, whichever will make the youth eligible for the exemption);



Opportunities For Learning
Public Charter Schools

3. The youth completes all state graduation requirements; and
4. The school must find that the youth is not reasonably able to complete the additional local graduation requirements within four years of high school.

If the homeless youth or foster youth is eligible for the exemption, the School Counselor will complete the appropriate notification letter, which is provided to the youth and all applicable parties. The School shall notify youth and the youth's education rights holder how any of the requirements that are waived will affect the youth's ability to gain admission to a postsecondary educational institution and provide information about transfer opportunities available through the California Community Colleges.

In addition, if a foster youth is exempted from local graduation requirements, the exemption shall continue to apply after the termination of the court's jurisdiction over the youth while he or she is enrolled in school or if the youth transfers to another school, including a charter school or a school district. If a homeless youth is exempted from local graduation requirements, the exemption shall continue to apply after the pupil is no longer a homeless youth while they are enrolled in school or if the pupil transfers to another school, including a charter school, or school district.

A homeless youth or foster youth who is eligible for the exemption and would otherwise be entitled to remain in attendance at the school shall not be required to accept the exemption or denied enrollment in, or ability to complete, courses for which he or she is otherwise eligible. Homeless youth or foster youth may stay in high school for a fifth year (even if over 18 years of age) to complete local graduation requirements.

If the School determines that the homeless youth or foster youth is reasonably able to complete the School's local graduation requirements within the youth's fifth year of high school, the School shall do all of the following:

1. Inform the youth of his or her option to remain in school for a fifth year to complete the local graduation requirements.
2. Inform youth and the education rights holder about how remaining in school for a fifth year to complete the local graduation requirements will affect the youth's ability to gain admission to a postsecondary educational institution.
3. Provide information to the youth about transfer opportunities available through the California Community Colleges.
4. Permit the youth to stay in school for a fifth year to complete the School's local graduation requirements upon agreement with the youth, if the youth is 18 years of age or older, or, if the youth is under 18 years of age, upon agreement with the education rights holder.



Transportation Services

The School provides access to free public transportation services for homeless youth and foster youth to attend their school of origin as required by law. If a homeless youth or foster youth attending the School as their school of origin requires regular transportation assistance to and from school, the School Counselor or the Liaison will work with school leadership, the child welfare agency, and if appropriate, the school district of residence, to ensure that the youth is transported to their school of origin. Transportation may include, but is not limited to, the following forms: regular bus passes, tokens or TAP cards, or other transportation options for the youth.

Student Activities

Homeless youth and foster youth have access to all regularly provided extracurricular activities at the School. All youth are encouraged to reach out to their teacher if they are interested in extracurricular activities. The School shall deem a homeless youth or foster youth to have met all residency requirements for participation in interscholastic sports or extracurricular activities even if the youth's residency changes (e.g., pursuant to a court order or decision).

Special Education

The School complies with all applicable state and federal laws regarding pupils with special needs, including, but not limited to, Section 504 of the Rehabilitation Act of 1974, the Americans with Disabilities Act, the Individuals with Disabilities Education Improvement Act (IDEA), and all applicable California Education Code sections. Homeless youth and foster youth have the same rights as all other youth in regards to special education. As with all students, the School will actively and systematically identify, locate, and assess youth who may be in need of special education and related services.

Staff Training on Rights of Homeless Youth and Foster Youth

School leadership ensures that all appropriate staff members receive annual training regarding the enrollment, placement, and rights of homeless youth and foster youth.

Complaints

Complaints regarding the educational rights of homeless youth and foster youth can be filed with the School under its Uniform Complaint Procedures Policy, a copy of which is contained in the Student Handbook.