

STATE LAWS TO INCREASE HIGH SCHOOL GRADUATION FOR STUDENTS EXPERIENCING HOMELESSNESS



The Every Student Succeeds Act of 2015 (ESSA) placed new emphasis on high school graduation for students experiencing homelessness. In addition to strengthening proven practices such as preschool enrollment and stability, improving identification, maximizing school stability, requiring the award of partial credits, and ensuring access to extracurricular activities, ESSA's amendments required states to report disaggregated high school graduation and achievement data for students experiencing homelessness.

Below is a summary of existing state laws that complement these federal requirements to improve high school graduation for students experiencing homelessness, including new legislation SchoolHouse Connection helped pass with partners in Connecticut, Indiana, Kentucky, and Nevada in 2019.¹ Summaries of federal requirements are available on [our website](#).

➤ **California [AB 1806 \(2014\)](#) (Ca. Educ. Code §§51225.1 and 51225.2)**

- A student experiencing homelessness who changes schools any time after completing the second year of high school is exempted from coursework and other district graduation requirements that exceed state requirements, unless the district determines the student is reasonably able to complete the district requirements in time to graduate by the end of the student's fourth year in high school.
- School districts and county offices of education must issue full or partial credit for coursework satisfactorily completed at a previous school for a student experiencing homelessness.
- When partial credit is awarded in a particular course, the student shall be enrolled in the same or equivalent course, to enable the student to complete the entire course.

➤ **Connecticut [HB 7313 \(2019\)](#) (Conn. Gen. Stat. §10-186)**

- School districts must inform unaccompanied youth experiencing homelessness that they can request a hearing when access to school is denied, and ensure youth are able to continue attending the school in which the youth seek enrollment during the pendency of disputes.
- The burden of proof in disputes involving a student experiencing homelessness is on the school district.

➤ **Illinois [HB 261 \(2017\)](#) ([105 Ill. Comp. Stat. 45](#); [105 Ill. Comp. Stat. 5/29-5](#))**

- Illinois has a state law that mirrors many key elements of the federal McKinney-Vento Act.
- The law permits school districts to provide rental or mortgage assistance, and other financial assistance, to students who are homeless or at risk of homelessness. Prior to providing this assistance, the school district must attempt to obtain such assistance through the local Continuum of Care funded by the U.S. Department of Housing and Urban Development, and develop a housing plan approved by the district and the parent/guardian.
- The state will reimburse such financial assistance through its system to reimburse school districts for transportation, if such costs are not in excess of the district's actual transportation costs and are not otherwise reimbursed.

¹ Please contact Patricia Julianelle at patricia@schoolhouseconnection.org to share information about other state laws that promote high school graduation for students experiencing homelessness, or to request SchoolHouse Connection's help on state law advocacy in your state.

➤ **Indiana [SB 464](#) (2019) (Ind. Code §§20-50-1; 31-36-3-4)**

- Indiana state law reflects many provisions of the federal McKinney-Vento Act, including the duties of the State Coordinator and local liaisons.
- Each local educational agency must post McKinney-Vento information on its website, including: a list of student rights; a link to the state department of education website and State Coordinator contact information; a directory of state and federal resources; and relevant newsletters and bulletins.
- Each local educational agency must provide school staff, including teachers, paraprofessionals, school support staff, and specialized instructional support personnel, with training on the definition and signs of homelessness and steps to take when a homeless student is identified, at least once a year.
- Unaccompanied youth experiencing homelessness age 16 and older can take the high school equivalency exam without parental consent and at no cost.

➤ **Kentucky [HB 378](#) (2019) (Ky. Rev. Stat. §156.160)**

- The Kentucky Department of Education is required to promulgate regulations regarding students experiencing homelessness, including: awarding and accepting partial credit; facilitating enrollment in required classes; and providing for diplomas from a prior district or for meeting state minimum requirements for students who change schools in their last two years of high school.

➤ **Nevada [SB 147](#) (2019) (Nev. Rev. Stat. §388.205, new sections in Chapters 388A and 389)**

- Every school district and every charter high school must adopt a policy requiring schools to identify students experiencing homelessness and those in foster care, and to review and adjust their academic plans to maximize credit accrual and progress toward graduation.
- Students experiencing homelessness and those in foster care have the right to receive full or partial credit for a course, without satisfying attendance or “seat-time” requirements, if they complete the coursework.
- Every school district and every charter high school must develop and carry out procedures to award and accept full or partial credit for coursework that is satisfactorily complete by students experiencing homelessness or in foster care, including a long list of options for the student to establish that coursework has been satisfactorily completed even without classroom instruction.
- Every school district and every charter high school must award a diploma to students experiencing homelessness or in foster care who transfer schools in 11th or 12th grade, if they have satisfied state requirements for a diploma.
- If a student experiencing homelessness or in foster care who transfer schools in 11th or 12th grade is not able to receive a high school diploma within 5 years of starting 9th grade, the school, student, and parent or guardian if applicable, shall mutually agree on a modified course of study to satisfy the requirements for a standard high school diploma, adjusted diploma, alternative diploma, or adult standard diploma as quickly as possible.

➤ **New Mexico [HB 301](#) (2017) and [SB 341](#) (2019) (New Mex. Stat. §22-12-10)**

- A student who changes schools at least once during a single school year as a result of homelessness or certain other reasons is entitled to priority placement in classes that meet state graduation requirements, and timely placement in electives comparable to those in which the student was enrolled at the previous school(s).
- For students who change schools at least once during a single year of high school as a result of homelessness or certain other reasons, school districts must ensure equal access to participation in

sports and other extracurricular activities, career and technical programs, or other special programs for which the student qualifies.

- Students who change schools at least once during a single year of high school as a result of homelessness must receive timely assistance and advice from counselors to improve their college and career readiness.
- Students who transfer school districts or schools within the same district must receive credit for any work completed prior to the transfer. School districts, with guidance from the state, shall create policies to determine how credit shall be awarded for courses that are partially completed.

➤ **New York [S02006](#) (2017) (NYS Educ. Law §3209)**

- New York has a state law that mirrors many key elements of the federal McKinney-Vento Act.
- The law extends the definition of school of origin to enhance access to preschool and kindergarten and to help siblings attend school together, as well as permitting formerly homeless students to remain in the school of origin for one additional year after they move into permanent housing, if that will be their final year in that school.
- Social services districts shall transport students experiencing homelessness, including preschool students, between the temporary housing location where social services placed the student and the student's school of origin, if the housing is outside the school district of origin.
- School districts must provide transportation to summer school when the district has recommended summer school and the lack of transportation would pose a barrier to the child's attendance.
- Schools districts, or social services districts if applicable, must provide transportation for students experiencing homelessness to participate in extra-curricular or academic activities, if the lack of transportation would pose a barrier to the child's participation.

➤ **Oregon [HB 3267](#) (2017) (Or. Rev. Stat. §329.451)**

- A school district or charter school must waive graduation requirements that exceed state requirements for students who experienced homelessness at any time from grade 9 to 12.
- A school district or charter school must accept any credits earned in another school by a student who experienced homelessness at any time from grade 9 to 12, and apply those credits toward graduation requirements if the credits satisfied graduation requirements in that other school.

➤ **Texas [SB 1494](#) (2015) (Tex. Ed. Code §§25.007 and 28.025(i))**

- If an 11th or 12th grade student experiencing homelessness or in foster care changes school districts and is ineligible to graduate from the new district, the prior district shall award a diploma if the student meets the graduation requirements of that district.
- The Texas Education Agency must develop procedures for awarding partial credit for coursework completed at a prior school by students experiencing homelessness or in foster care.
- The Texas Education Agency must develop procedures to allow students experiencing homelessness or in foster care, who were previously enrolled in a course required for graduation, the opportunity to complete the course at no cost before the beginning of the next school year, to the extent practicable.
- The Texas Education Agency must ensure that a student experiencing homelessness or in foster care who is not likely to receive a high school diploma before the fifth year in high school has the student's credit accrual and personal graduation plan reviewed.
- The Texas Education Agency must promote practices that facilitate access to extracurricular and summer programs, credit transfer and electronic course services, and after-school tutoring at nominal or no cost for students experiencing homelessness or in foster care.

- The Texas Education Agency must must develop systems to ease the transition of students experiencing homelessness or in foster care during the first two weeks at a new school, and to lessen the adverse impact of the school transfer.

➤ **Texas [HB 811](#) (2019) (Tex. Ed. Code §37.001(a))**

- Each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program must give consideration to a student’s homelessness.

➤ **Washington [SB 5241](#) (2017) (Rev. Code Wa. §28A.320.192)**

- School districts must waive courses required for graduation if similar coursework has been satisfactorily completed in another school district, or provide an alternative means for the student to graduate on time.
- School districts must consolidate partial credit and other incomplete coursework and provide opportunities for credit accrual in a manner that eliminates academic and nonacademic barriers for the student.
- School districts must grant and accept partial credits for coursework completed prior to withdrawal or transfer.
- Students must be able to earn credits regardless of the date of enrollment in a school.
- If a student who transfers at the beginning of junior year of high school or later is ineligible to graduate from the new school district, the former district must award a diploma if the student meets the graduation requirements of the former district.
- The state educational agency must adopt rules to implement these provisions.

➤ **Washington [SB 5324](#) (2019) (Rev. Code Wa. §§28A.300.142, 28A.300.542, 43.185C.340)**

- Every public school in the state must establish a building point of contact for students experiencing homelessness, who must identify such students and connect them to the district liaison.
- Washington has dedicated funding to create a state homeless education grant program that complements the federal McKinney-Vento Act. The program also emphasizes supports for unaccompanied youth, partnerships with local housing a community-based organizations, and addressing the opportunity gap and other systemic inequities that negatively impact students experiencing homelessness and students of color.
- Washington has dedicated funding to create a state grant program to connect students experiencing homelessness and their families to stable housing in the student’s school district. The funds can support rental and related housing expenses, transportation assistance, emergency shelter, housing stability case management, and other collaborative housing strategies.