

## STUDENTS

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH**

Upon registration in the district, a student residency questionnaire will be filled out. The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child shall attend.

Pursuant to Commissioner's Regulations, a "homeless child" means a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child who is:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- b) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals;
- d) Awaiting foster care placement; or
- e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, the term "migratory child" *includes* a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who has moved from one school district to another in the preceding 36 months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- f) A child or youth who has a primary nighttime location that is:
  1. A supervised, publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the state or local department of social services, and residential programs for runaway and homeless youth established pursuant to Article 19-H of the Executive Law; or
  2. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; including a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.

An unaccompanied youth is defined as a homeless youth who is not in the physical custody of a parent or guardian. *42 USC § 11434 a (6); NYCRR § 100.2 (x)(l)(vi)*

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**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

The term "**homeless child**" shall not include a child in foster care or receiving educational services pursuant to Education Law Section 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, a hospital or other institution for the care, custody and treatment of children; youths under the direction of the Division for Youth incarcerated in county correctional facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

**Enrollment, Retention and Participation in the Educational Program**

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;
- c) Residency requirements;
- d) Birth certificates, medical records, IEPs, school records and other documentation;
- e) Guardianship issues;
- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;
- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

**Educational Programs and Services**

The School District shall provide homeless children and youth with access to all of its programs, activities and services to the same extent that they are provided to resident students.

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the School District shall ensure that homeless children and youth are not segregated in a separate school, or in a separate program within the school, based on their status as homeless; and to the extent feasible consistent with the requirements of Commissioner's Regulations, keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the School District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

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**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

All homeless children and youth are automatically eligible for Title I Part A services whether or not they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from schoolwide and targeted-assistance school programs.

**Transportation**

If the local social service district or the Office of Children and Family Services is not required to provide transportation, the designated district is responsible for the provision and the cost of the student's transportation. Where a homeless student designates the school district of current location as the district the student will attend, then that district shall provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school.

Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided during the pendency of enrollment disputes. If the designated district provided transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

**School District Liaison for Homeless Children and Youth**

The School District shall designate an appropriate staff person, who may also be a coordinator for other federal programs, as the local educational agency liaison for homeless children and youth to carry out the duties as enumerated in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

The School District understands that its homeless liaison must ensure that:

- Homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies;
- Homeless students enroll in, and have full and equal opportunity to succeed in, the schools of the LEA;
- Homeless children and youth and their families receive educational services for which they are eligible, including Head Start, Even Start, and preschool programs administered by the LEA, and referrals to health, mental health, dental, and other appropriate services;
- Parents or guardians of homeless children and youth are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
- Parents and guardians and unaccompanied youth are fully informed of all transportation services, including transportation to and from the school district of origin, and are assisted in accessing transportation services;
- Disputes regarding school selection, enrollment and/or transportation are mediated in accordance with the requirements of McKinney-Vento;

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## STUDENTS

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- Assistance in commencing an appeal pursuant to Education Law §310 of a final determination regarding enrollment, school selection and/or transportation is provided to the homeless child's or youth's parent or guardian or the unaccompanied youth in accordance with the provisions of *8 NYCRR §100.2(x)(7)(iii)*;
- Public notice of the educational rights of homeless students is posted in locations where such students receive services, such as schools, shelters, and soup kitchens;
- A record is maintained of all appeals of enrollment, school selection and transportation; and
- School personnel, service providers and advocates working with homeless families are informed of the duties of the homeless liaison.  
*42 USC §1142(g)(6)(A); 8 NYCRR §100.2(x)(7)(iii)*

**Training**

The District will train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrollment. School nutrition staff, school nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

**Outreach**

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s)/guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

**School of Origin**

The McKinney-Vento Act defines school of origin as “the school that the child or youth attended when permanently housed or the school in which the child or youth last enrolled.”  
*42 USC §1142(g)(3)(G)*

**The Designator has right to choose the school district the homeless child or youth will attend**

This LEA understands that the “designator” decides which school district a homeless child or youth will attend. A designator is:

- the parent or person in parental relation (guardian) to a homeless child; or
- the homeless child, in the case of an unaccompanied youth; or
- the director of a residential program for runaway and homeless youth, in consultation with the homeless child, where such homeless child is living in such program.  
*NY Education Law §3209(1)(b); 8 NYCRR §100.2(x)(1)(ii)*

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**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

The designator has the right to designate one of the following as the school district within which a homeless child shall be entitled to attend upon instruction:

- **School district of current location** – the public school district within the State of New York in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth is located;
- **School district of origin** – the public school district within the State of New York in which the homeless child was attending a public school on a tuition-free basis or was entitled to attend when circumstances arose which caused such child to be homeless. If the school district of origin is designated, the homeless child is entitled to return to the school building where previously enrolled;
- **School district participating in a regional placement plan** – a regional placement plan is a comprehensive regional approach to the provision of education placements for homeless children, which must be approved by the Commissioner of Education. It currently exists only in Westchester County.

**Please note:** students who have designated the district of current location and move to another temporary housing location outside of such district or to a different attendance zone may continue the prior designation to enable the student to remain in the same school building.

*42 USC §11432(g)(3)(A); NY Education Law §§3209(1)(c)-(e) & (2); 8 NYCRR §100.2(x)(1)(iii)-(v) & (2)*

**Designation/STAC 202 Form**

This school district understands it must identify all students who are homeless and that a designation form must be completed for all such students and any other student who claims homelessness. Designations must be made on STAC 202 forms available at

[http://www.nysteachs.org/media/INF\\_STAC202\\_Form.pdf](http://www.nysteachs.org/media/INF_STAC202_Form.pdf).

- The appropriate designator must complete the designation form. All school districts, temporary housing facilities operated or approved by a local social services district, and residential facilities for runaway and homeless youth must make designation forms available to a homeless child who seeks admission to school or to the parent or person in parental relation who seeks to enroll such child in school.
- Where the homeless child is located in a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth, the director of the facility or a person designated by the social services district, must, within two business days of the child's or family's entry into such facilities, assist the designator to ensure that the form is properly completed and assist the child, where necessary, to enroll in the designated school district.

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## STUDENTS

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- Where a parent or person in parental relation to a child who is neither placed in a temporary housing facility by the local department of social services nor housed in a residential program for runaway homeless youth designates the school district of current location, the school district of current location must forward to the New York State Education Department (the "Department:") a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the schools of the district.

*NY Education Law §3209(2)(d); 8 NYCRR §100.2(x)(3)*

**Tuition Reimbursement**

Where either the school district of current location or a school district participating in a regional placement plan is designated as the school district which the homeless child will attend and such homeless child's school district of origin is within New York State, the school district providing instruction will be eligible for reimbursement by the Department for the direct cost of educational services, not otherwise reimbursed under special federal programs, calculated pursuant to regulations of the Commissioner for the period of time for which such services are provided. The claim for reimbursement must be on the STAC 202 form prescribed by the Commissioner.

*NY Education Law §3209(3)(a)*

**Transportation Responsibilities**

- A social services district is responsible for providing transportation to homeless children who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts.
- To the extent funds are provided for such purpose, the Office of Children and Family Services ("OCFS") must provide transportation for each homeless child who lives in a residential program for runaway youth and homeless youth located outside of the designated school district. The social services district or OCFS may contract with a school district or board of cooperative educational services ("BOCES") to provide such transportation. The costs for transportation will be reimbursed by the Department with the submission of a Runaway and Homeless Youth Act Transportation Program Form, which is available from the Homeless Education Office (518-473-0295).
- Any homeless child not entitled to receive transportation from the Department of Social Services or OCFS must be transported by the designated school district.

*NY Education Law §3209(4); 8 NYCRR §100.2(x)(6)*

- When the school district of the current location is designated as the school district the homeless child will attend, the school district must provide transportation to the homeless child on the same basis as it is provided to resident students.

*NY Education Law §3209(4)(d); 8 NYCRR §100.2(x)(6)(iii)*

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## STUDENTS

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- If the homeless child designates the school district of origin or a school district participating in a regional placement plan, then that school district must provide transportation to and from the homeless child's temporary housing and school. Such transportation cannot exceed 50 miles one way, unless the Commissioner determines that it is in the best interest of the child.  
*NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)9&(ii)(c)*
- Homeless children are entitled to transportation during any disputes regarding school selection and enrollment. *8 NYCRR §100.2(x)(7)(ii)(c)*

**Transportation Expenses**

- A school district may receive State aid to offset expenditures incurred by the school district for the transportation of homeless children under certain circumstances.
- To the extent funds are provided for such purpose, OCFS must provide transportation for each homeless child who lives in a residential program for runaway youth and homeless youth located outside of the designated school district. If the runaway and homeless youth shelter is not capable of transporting or contracting for transportation, the school district must provide transportation. The costs for transportation will be reimbursed by the Department with submission of a Runaway and Homeless Youth Act Transportation Program Form, which is available from the Homeless Education Program Office (518-472-0295). *NY Education Law §3209(4)(b)*

**Dispute Resolution**

The school district has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

- Provide a written explanation, including a statement regarding the right to appeal to the homeless child's or youth's parent or guardian, if the school district declines to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian.
- Delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the homeless child or youth or unaccompanied youth to the school of origin or a school requested by the parent or guardian of a homeless child or youth or unaccompanied youth.
- If the parent or guardian of a homeless child or youth or unaccompanied youth commences an appeal to the Commissioner with a stay application within 30 days of such final determination, the homeless child or youth will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal and/or receive transportation to that school until the commissioner renders a decision on the stay application.
- If the Commissioner grants the stay request and issues a stay order, the homeless child or youth or unaccompanied youth can continue attending the school until the Commissioner issues an appeal decision. However, if the Commissioner denies the stay request, the homeless child or youth or unaccompanied youth can be asked to leave the school immediately.

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## STUDENTS

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- If the Commissioner sustains the appeal, the homeless child or youth or unaccompanied youth can continue attending the school at issue. However, if the Commissioner dismisses the appeal, the homeless child or youth or unaccompanied youth can be asked to leave the school immediately. *42 USC §11432(g)(E); 8 NYCRR §100.2(x)(7)(ii); U.S. Department of Education for Homeless Children and Youth Program, Non-Regulatory Guidance (July 2004)*

**Record and Reporting Requirements**

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five days.

The School District shall maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The District shall collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

[McKinney-Vento Homeless Education Assistance Act, as reauthorized by the No Child Left Behind Act of 2001](#)  
[42 United States Code \(USC\) Section 11431 et seq.](#)  
[Education Law Section 3209](#)

8 New York Code of Rules and Regulations (NYCRR)  
Section 100.2(x)