

# POLICY

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## THE EDUCATION OF HOMELESS CHILDREN

### IDENTIFICATION OF HOMELESS STUDENTS

Under the McKinney-Vento Act, it is the obligation of schools districts to affirmatively identify all homeless students. Therefore, it is the policy of this local educational agency (“LEA” or “District”)<sup>1</sup> to determine whether there are homeless students within the District by using an enrollment/residency questionnaire that asks for the nighttime residence of all newly enrolled students as well as when a student’s address changes. It is understood that not all homeless students can be identified through social service agencies or shelters as they may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. It is for this reason, the District will use an enrollment form/residency questionnaire that asks for a description of the current living arrangements of the child or youth in order to determine whether the child or youth meets the definition of a homeless child under the McKinney-Vento Homeless Education Assistance Act (42 USC §11434a[2]) (“McKinney-Vento”) and New York Education Law §3209(1)(a). In addition, the use of an enrollment form/residency questionnaire is a requirement of all Title I schools (see “Coordination with Title I”). A sample enrollment form/residency questionnaire may be found at the following website: <http://www.nysteachs.org/info-forms/nysed/>.

This District will also contact the local department of social services ([http://www.health.state.ny.us/health\\_care/medicaid/ldss.htm](http://www.health.state.ny.us/health_care/medicaid/ldss.htm)), the local runaway and homeless youth shelter ([http://www.ocfs.state.ny.us/main/youth/runaway\\_homeless\\_services.pdf](http://www.ocfs.state.ny.us/main/youth/runaway_homeless_services.pdf)) and any other shelters located in the District.

### DEFINITION OF HOMELESS CHILD AND UNACCOMPANIED YOUTH

Pursuant to the McKinney-Vento Act, the Education Law and Commissioner’s Regulations a homeless child is defined as:

- (1) A child who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:
  - i. Sharing the housing of other persons due to loss of housing, economic hardship or similar reason (sometimes referred to as “doubled-up”);
  - ii. Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
  - iii. Abandoned in hospitals;
  - iv. Awaiting foster care placement; or

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An unaccompanied youth is defined as a homeless youth who is not in the physical custody of a parent or guardian. [42 USC §11434a(6); 8 NYCRR §100.2(x)(1)(vi)]

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- v. A migratory child who qualifies as homeless because he or she is living in circumstances described above; or
- (2) A child or youth who has a primary nighttime location that is:
- i. 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; or
  - ii. 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 stations or similar setting.

## **DUTIES OF THE LOCAL LIAISON FOR HOMELESS CHILDREN AND YOUTH**

Every LEA, regardless of whether it receives a McKinney-Vento sub-grant, is required to designate a local liaison for homeless children and youth (“homeless liaison”). The homeless liaison serves as one of the primary contacts between homeless families and school staff, district personnel, shelter workers, and other service providers. The homeless liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed academically.

The 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;
- Assistance in commencing an appeal pursuant to Education Law §310 of a final determination regarding enrollment, school selection and/or transportation is provided

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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 §11432(g)(6)(A); 8 NYCRR §100.2(x)(7)(iii)]

## **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 §11432(g)(3)(G)]

## **THE DESIGNATOR HAS RIGHT TO CHOOSE THE SCHOOL DISTRICT THE HOMELESS CHILD OR YOUTH WILL ATTEND**

The District 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)]

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 become 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 educational placements

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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**

The 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\\_SED\\_STAC202\\_Form.pdf](http://www.nysteachs.org/media/INF_SED_STAC202_Form.pdf).

- The appropriate designator must complete the designation form. The Districts 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.
- 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)]

## **DISTRICT'S DUTIES UPON RECEIPT OF THE DESIGNATION/STAC 202 FORM**

Upon identification of a child who is homeless and/or receipt of a completed designation form, the designated school district must:

- Immediately review the designation form to assure that it has been completed and admit the homeless child even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation;

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- Provide the child with access to all of its programs, activities and services to the same extent as they are provided to resident students;
- Immediately contact the school district where the child's records are located in order to obtain a copy of such records;
- If the child or youth needs to obtain immunizations or immunization or medical records, the school admitting such child or youth must immediately refer the parent or guardian of the homeless child or youth to the homeless liaison who must assist in obtaining necessary immunizations or immunization or medical records;
- Forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the district must give a copy of the completed STAC 202 to the designator and keep a copy of the STAC 202 form for the District's records. [42 USC §11432(g)(3)(C) & (g)(4); NY Education Law §3209(2) & (2-a); 8 NYCRR §100.2(x)(3) & (4)]

## **DISTRICT'S DUTIES UPON RECEIPT OF A REQUEST FOR RECORDS**

Within five days of receipt of a request for school records, the District must forward, in a manner consistent with state and federal law, a complete copy of the homeless child's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable. [NY Education Law §3209(2)(f); 8 NYCRR §100.2(x)(5)]

## **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 arrangement 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

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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 Program 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. [*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, that school district must provide transportation to the homeless child on the same basis as it is provided to resident students. [*Education Law §3209(4)(d); 8 NYCRR §100.2(x)(6)(iii)*]
- 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. [*Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(ii)*]
- 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 the submission of a Runaway and Homeless Youth Act Transportation Program Form, which is available from the Homeless Education Program Office (518-473-0295). [*Education Law §3209(4)(b)*]

## **DISPUTE RESOLUTION PROCESS**

This 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 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.

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- 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.
- 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)(3)(E); 8 NYCRR §100.2(x)(7)(ii); U.S. Department of Education, *Education for Homeless Children and Youth Program, Non-Regulatory Guidance (July 2004)*]

## **HOMELESS LIAISON'S DISPUTE RESOLUTION RESPONSIBILITIES**

- The homeless liaison must assist the homeless child's or youth's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner under Education Law §310 of a final school district decision regarding enrollment, school selection and/or transportation.
- The homeless liaison must provide the parent or guardian or unaccompanied youth with a copy of the form petition, which is available at:  
<http://www.counsel.nysed.gov/appeals/petition.htm>.
- The homeless liaison must assist the parent or guardian or unaccompanied youth in completing the form petition, including the section requesting interim relief (stay provision).
- The homeless liaison must arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth.
- The homeless liaison must accept service of the petition and supporting papers on behalf of any District employee or officer named as a party or the District if it is named as a party or arrange for service by mail by mailing the petition and supporting documents to any District employee or officer named as a party and, if the District is

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named as a party, to a person in the office of the Superintendent who has been designated by the board of education to accept service on behalf of the District.

- The homeless liaison must provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that the homeless liaison has received the petition and supporting documents and will either accept service of these documents on behalf of the District employee or officer or school district or effect service by mail by mailing the petition and supporting documents to any District employee or officer named as a party and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board of Education to accept service on behalf of the District.
- The homeless liaison must transmit on behalf of the parent or guardian or unaccompanied youth, within five days after the service of, the petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.
- The homeless liaison must provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that the homeless liaison has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.
- The homeless liaison must accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects. The liaison must also make such correspondence available to the parent or guardian or unaccompanied youth.
- The homeless liaison must maintain a record of all appeals of enrollment, school selection, and transportation determinations. [42 USC §11432(g)(3)(E)(iii); 8 NYCRR §100.2(x)(7)(iii)(c)]

## **ADDITIONAL HOMELESS LIAISON RESPONSIBILITIES**

The homeless liaison must maintain a record of all appeals of enrollment, school selection and transportation determinations. The homeless liaison must also keep a record of all homeless students, their grade level, and their nighttime residence for the year and report this data annually to NYSED. The homeless liaison must inform school personnel, service providers and advocates working with homeless families of the duties of the homeless liaison. [8 NYCRR §100.2(x)(7)(iii)(d) & (e)]

## **COORDINATION**

- The District must coordinate the provision of services provided with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act.



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- The District must coordinate with other school districts on interdistrict issues, such as transportation or transfer of school records. [42 USC §11432(g)(5); 8 NYCRR §100.2(x)(7)(vi)]

## **COORDINATION WITH TITLE I**

The District acknowledges that homeless children and youth are eligible for services under Title I, Part A; whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The District will ensure that:

- Title I, Part A funds are set aside as are necessary to provide homeless children who do not attend participating schools with services comparable to those provided to children in Title I, Part A funded schools, including providing educationally related support services to children in shelters and other locations where homeless children may live.
- An LEA receiving Title I, Part A funds must include in its local plan a description of how the plan is coordinated with McKinney-Vento.
- The local plan must describe services provided to homeless children.
- If an LEA states that there are no homeless children or unaccompanied youth in non-Title I schools, the LEA must describe the efforts it made to identify homeless children and unaccompanied youth. Such efforts must include contacting the local department of social services or OCFS to verify that there are no homeless children or unaccompanied youth in the LEA.
- The LEA must also document that their enrollment form/residency questionnaire asks the living arrangements of the child or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing; or awaiting an OCFS permanent foster care placement. Documentation of the LEA's efforts to identify homeless children and unaccompanied youth must be maintained on file and a copy of the LEA's enrollment form/residency questionnaire which asks the above questions must also be kept on file. A sample enrollment form/residency questionnaire may be found at the website:  
<http://www.nysteachs.org/info-forms/nysed/>.

## **REPORTING**

The District must collect and transmit to the Commissioner, at such time and in such manner as the Commissioner may require, a report containing such information on homeless students, including the numbers of homeless students, their grade, and their nighttime residence. [8 NYCRR §100.2(x)(7)(vii)]

## **ACCESS TO FREE MEALS**

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All children identified as homeless are eligible for free meals in this District. They do not have to complete an application. When a liaison or a shelter director provides a child's name to the local school food service office, free school meals should commence immediately. [42 USC §1758(b)(12)(A)]

Adopted: 1/22/14