

HOMELESS CHILDREN

(X) Required

() Local

() Notice

NEW NOTE: We are including language that clarifies the participation of homeless students in summer school programs. McKinney-Vento requires that districts ensure homeless children eligible for McKinney-Vento services do not face barriers accessing academic and extracurricular activities, including summer school. Throughout this policy and regulation, we have also replaced “shall” with “will,” “must,” or “is directed to,” and replaced gendered language with gender-neutral language. New language is underlined below.

NOTE: This policy reflects the state laws and regulations conforming to the federal Every Student Succeeds Act (ESSA) primarily addressing siblings of preschool children and release of student information. In addition, this policy reflects a requirement by the State Education Department (SED) for Title I funds for districts to use a Housing Questionnaire universally to better identify students experiencing homelessness. Note that students awaiting foster care placement are not considered homeless, but Title I requires that districts coordinate with child welfare agencies to transport students to and from their schools of origin consistent with the student’s best interests, however, as that is treated separately, we do not believe it should be included in this policy. The NYS Technical and Education Assistance Center for Homeless Students (www.nysteachs.org) is a good resource in this area.

The Board of Education recognizes its responsibility under federal (McKinney-Vento) and state laws and regulations to identify homeless children within the district, encourage their enrollment and eliminate existing barriers to their identification, enrollment, attendance, or success in school which may exist in district practices. The Board will provide homeless children attending the district’s schools with access to the same free and appropriate public education and other school programs and activities, including publicly funded preschool education, as other children.

A homeless child is a child who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime location in a public or private shelter designed to provide temporary living accommodations, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This definition also includes a child who shares the housing of others due to loss of housing, economic hardship, or similar reason; lives in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; lives in a car, park, public space or abandoned building, substandard housing, bus or train station or similar setting; has been abandoned in a hospital; or is a migratory child who qualifies as homeless. An unaccompanied youth is a homeless child not in the physical custody of a parent or guardian.

NOTE: The SED sample housing questionnaire can be accessed at: http://www.nysteachs.org/media/INF_SED_HousingQuest.docx.

To assist in determine eligibility for services under the McKinney-Vento Act, the district ~~shall~~ will use a housing questionnaire for all enrolling students, and those reporting a change of address, which asks for a description of the student's current living arrangements.

NOTE: The paragraphs below reflect the rights of homeless children. New York State law currently permits homeless children to attend an additional year in their school of origin, after becoming permanently housed, if that year is the last year served by that school, which expanded the requirements of the previous federal law. ESSA now mandates that if a homeless child completes the final grade level at the school of origin, that child may attend the designated receiving school at the next grade level, and does not put an end limit to such attendance during the period of homelessness, nor through the remainder of the year in which a student becomes permanently housed.

We also bring to your attention that ESSA uses the term "school of origin" while New York State law and regulations use the terms "district of origin" and "district of current location" as well as "school of origin." While there is no difference in the end result – i.e., that homeless children may attend either the school they attended when they became homeless, or the school they last attended, or the school they may attend due to their current location – we are choosing to conform more closely to the federal definitions. Use of the terms "district of origin" and "district of current location" is mostly relevant for districts of current location that seek tuition reimbursement from SED.

A homeless child or youth has the right to attend ~~his/her~~ their school of origin, or any school that permanently housed students who live in the attendance area in which the homeless student is actually living are eligible to attend. For homeless students, a school of origin can be:

1. the public school ~~where he/she~~ they attended when permanently housed (i.e., before becoming homeless); or
2. the public school where ~~he/she was~~ they were last enrolled, or
3. the public school ~~he/she was~~ they were entitled or eligible to enroll in when the child became homeless, if that child became homeless after such child was eligible to apply, register, or enroll in a public preschool or kindergarten, or ~~he/she~~ is living with a school-age sibling who attends school in the district; or
4. the designated receiving school at the next grade level for any feeder school, where the child has completed the final grade in the feeder school.

Such schools include publicly-funded preschools administered by the district or the State Education Department (SED).

The homeless child is entitled to attend the designated school on a tuition-free basis for the duration of ~~his or her~~ homelessness. If the child becomes permanently housed, the child is entitled to continue attendance in the same school building until the end of the school year and for one additional year if that year constitutes the child's terminal year in such building. If a homeless child completes the final grade level in ~~his/her~~ the school of origin, the child may also attend the designated receiving school at the next grade level for all feeder schools.

The Superintendent of Schools ~~shall~~ is directed to develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures ~~shall~~ must include:

NEW NOTE: If your district does not offer a summer school program, but resident students are able to attend summer school offered by a neighboring district for a fee, then students in temporary housing must be able to attend that program, and they must not be charged the fee. The district must cover any such fees; however, Title I set-aside funds can be used for this purpose.

1. *Admission and Participation:* Upon designation, the district ~~shall~~ will immediately admit the homeless child to school, even if the child is unable to produce records normally required for enrollment, such as previous academic records, medical or immunization records (however, the district may temporarily exclude a child from attendance if there are actual symptoms of a communicable disease that poses a significant risk of transmission to others), proof of age or residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment. During a dispute, the student may continue attending the school until final resolution of the dispute, including all available appeals. Homeless children will have the same opportunity as other children to enroll in and succeed in the district's schools, including extracurricular activities and summer school programs available to district students. They will not be placed in separate schools or programs based on their status as homeless. The district ~~shall~~ will eliminate barriers to identification, enrollment and retention of homeless children, including barriers to enrollment and retention due to outstanding fees, fines or absences.
2. *Transportation:* The district ~~shall~~ will promptly provide transportation for homeless students currently attending district schools as required by applicable law, as described in the accompanying regulation. In general, the district ~~shall~~ will ensure that transportation is provided to homeless students enrolled in the district who attend a school of origin, including a publicly funded preschool administered by the district or SED, even if the student lives outside the district's boundaries. Transportation ~~shall~~ will be provided for the duration of homelessness, through the remainder of the school year in which the student becomes permanently housed, and one additional year if that is the student's final year in the school.
3. *School Records:* For homeless students attending school out of the district, the district ~~shall~~ will, within five days of receipt of a request for records, forward a complete copy of the homeless child's records including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable. For homeless students attending school in the district, the district ~~shall~~ will request the student's records (academic, medical, etc.) from the school the student last attended.
4. *Coordination:* The district ~~shall~~ will coordinate with local social services agencies and other entities providing services to homeless children and their families for the provision of services to homeless children, and ~~shall~~ will coordinate with other school districts on issues of prompt identification, transportation, transfer of records, and other inter-district activities. This ~~shall~~ will include ensuring the provision of appropriate services to homeless students with disabilities who are eligible for services under either Section 504 or IDEA.

NOTE: The following paragraph reflects a requirement under ESSA regarding funding set-asides for assistance to homeless students (20 USC § 6313) starting with the 2017-18 school year.

A portion of the district's Title I, Part A funds ~~shall~~ will be set aside for homeless children and youth to provide educationally related support services and services not ordinarily provided to other students.

NOTE: The following paragraph reflects a requirement under ESSA and state law and regulation, as well as a reference to the policy on student records.

Information about a homeless child's living situation ~~shall~~ will be treated as a student education record, and ~~shall~~ will not be considered directory information under FERPA. See policy 5500, Student Records, for more information.

The Superintendent ~~shall~~ will also designate a McKinney-Vento liaison for homeless children and ensure that this person is aware of, and able to carry out, ~~his or her~~ their responsibilities under the law. The Superintendent ~~shall~~ will ensure that the liaison receives appropriate professional development on identifying and meeting the needs of homeless students, including the definitions of terms related to homelessness. The liaison's responsibilities ~~shall~~ will include, but not be limited to, ensuring that:

NOTE: Under ESSA, the liaison's responsibilities are greatly expanded. Some duties are listed below, while other more detailed duties are added to the accompanying regulation. Note also that while school districts were already required under McKinney-Vento to provide parents/guardians of homeless children with "meaningful opportunities to participate in the education of their children" (see item 1 below), under ESSA, state educational agencies (i.e., SED) are now required to evaluate the extent to which districts are doing so, in awarding federal funds under McKinney-Vento. In fact, ESSA specifically allows districts to use these funds for such purposes.

1. parents or guardians of homeless children are informed of the educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
2. parents and guardians and unaccompanied youth are fully informed of all transportation services available to them, and are assisted in accessing them;
3. enrollment disputes involving homeless children are promptly mediated and resolved;
4. school personnel, through outreach and in coordination with shelters and social service agencies and other appropriate entities, identify homeless children, including homeless preschoolers;
5. homeless children receive educational services, including but not limited to Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services for homeless children and their families;

6. public notice of the educational rights of homeless children is disseminated in locations frequented by homeless unaccompanied youth and parents/guardians of homeless children, in a manner and form understandable to them;
7. staff who provide services to homeless students receive required professional development and support on identifying and meeting the needs of homeless students;
8. homeless unaccompanied youth are informed of their rights, are enrolled in school, and have opportunities to meet the same state standards set for all students, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations.

In accordance with law and regulation, the district will offer a prompt dispute resolution process (described in more detail in the accompanying administrative regulation). A student ~~shall~~ will be entitled to continued enrollment in the district's schools, and transportation, pending resolution of the dispute and all available appeals.

In accordance with Commissioner's regulations, the district ~~shall~~ will collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Cross-ref:

5150, School Admissions
5420, Student Health Services
5500, Student Records

Ref:

20 USC § 6313(c)
42 USC §§11431 et seq.
McKinney-Vento Education for Homeless Children and Youth Program, 81 Fed. Reg. 14432-14436 (3/17/16)
U.S. Department of Education, Education for Homeless Children and Youths Program, Non-Regulatory Guidance (7/27/16),
<https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>
Education Law §§207; 305; 3202; 3205; 3209
Executive Law §§532-b; 532-e
Social Services Law §§17; 62; 397
8 NYCRR §§100.2(x); 175.6

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