

**ADMISSION/EDUCATION OF HOMELESS CHILDREN**

**(This policy replaces previously approved Board of Education Policy #6154)**

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the Brentwood Union Free School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth establish 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 Brentwood Union Free School District of current location, the Brentwood Union Free School District of origin, or a Brentwood Union Free School District participating in a regional placement plan as the district the homeless child shall attend.

**Definition of Homeless Child and Unaccompanied Youth**

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:

1. Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Abandoned in hospitals;
4. Awaiting foster care placement; or
5. 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 the Brentwood Union Free School District to another school district 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.
6. A child or youth who has a primary nighttime location that is:
  - a. 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
  - b. 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.

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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 Article 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."

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)*

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. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the Brentwood Union Free 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 Brentwood Union Free 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 Brentwood Union Free School District.

The District must enroll a homeless child even if he/she is unable to produce records normally required for enrollment, such as academic records, medical records, proof of residency or other documentation, and even if there is a dispute with the child's parents regarding school selection or enrollment.

The Brentwood Union Free School District shall maintain forms provided by the Commissioner of Education for designating a homeless child's district of attendance. These forms must be provided to any homeless child or parent or guardian who seeks to enroll a child within a school of the District. School placement decisions for homeless children will be based on the 'best interest of the child'. Unless doing so is contrary to the wishes of the child's parent or guardian, to extent possible, a homeless child will continue to attend the school of origin (the school the child attended when he or she became homeless).

The District shall also establish guidelines for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth; and provide a written explanation, including a statement regarding the right to appeal in accordance with law, to the homeless child's or youth's parent or guardian if the Brentwood Union Free School District sends such child or youth to a school other than the school of origin or the school requested by the parent or guardian.

**ADMISSION/EDUCATION OF HOMELESS CHILDREN****Brentwood Union Free School District Liaison for Homeless Children and Youth**

The Brentwood Union Free 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 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;
- Enrollment disputes involving children identified as homeless are promptly mediated and resolved.
- 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;

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- 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)]*

**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 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.  
*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, that 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)*
- 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)(6)(ii)*
- Homeless children are entitled to transportation during any disputes regarding school selection and enrollment.  
*8 NYCRR §100.2(x)(7)(ii)(c)*

**ADMISSION/EDUCATION OF HOMELESS CHILDREN****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).

*NY Education Law §3209(4)(b)]*

**Dispute Resolution Process**

The District establishes the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

1. Provide a written explanation, including a statement regarding the right to appeal 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.
2. Delay for 30 days the implementation of a final determination to decline either to 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 youth or unaccompanied youth commences an appeal to the Commissioner with a stay application within 30 days of such final determination.

**Reporting Requirements**

The Brentwood Union Free School 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 (U.S.C.) Section 11431 et seq.

Education Law Section 3209

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

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