HEWLETT-WOODMERE UFSD **Policy 5151**

(X) Required
( ) Local
( ) Notice

HOMELESS CHILDREN

The Board of Education recognizes its responsibility under the federal McKinney-Vento Act and New York State laws to identify homeless children within the district, encourage their enrollment and eliminate existing barriers to their education 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 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 awaiting foster care placement; or is a migratory child who qualifies as homeless because the child is living in the circumstances described above. An unaccompanied youth is a homeless child not in the physical custody of a parent or guardian.

To assist in determining eligibility for services under the McKinney-Vento Act, the District 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.

A homeless child has the right to attend school in either the 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 they attended when permanently housed (i.e., before becoming homeless); or

(2) the public school where they were last enrolled, or

(3) the public school 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 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 school of origin, the child may also attend the designated receiving school at the next grade level.

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

1. Admission: Upon designation, the district 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, birth certificate, 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. They will not be placed in separate schools or programs based on their status as homeless. The district shall 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 will provide transportation for homeless students currently residing within the district as required by applicable law, as described in the accompanying regulation.
3. School Records: For homeless students attending school out of the district, the district shall, 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 request the student's records (academic, medical, etc.) from the school the student last attended.
4. Coordination: The district shall 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 coordinate with other school districts on issues of prompt identification, transportation, transfer of records, and other inter-district activities. This will include ensuring the provision of appropriate services to homeless students with disabilities who are eligible for services under either Section 504 or IDEA.

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

Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information under FERPA (see policy 5500).

The Superintendent will also designate a liaison for homeless children and ensure that this person is aware of his or her responsibilities under the law. The Superintendent shall 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 include, but not be limited to, ensuring that:

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 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).

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

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
NYSED Guidance, The McKinney-Vento Act: Education of Children and Youth Experiencing Homelessness, August 2019, https://www.nysed.gov/sites/default/files/nysed-guidance-education-for-homeless-children-and-youths-program-final.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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HOMELESS CHILDREN REGULATION

Each school in the district shall maintain forms provided by the Commissioner of Education for designating a homeless child's district of attendance. These forms will be provided to any homeless child or parent or guardian who seeks to enroll a child in school. The district's liaison for homeless students will assist the homeless child and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.

School placement decisions for homeless children will be based on the "best interest of the child" and shall consider student-centered factors such as the effect of mobility on student achievement, education, health and safety. Unless doing so is contrary to the wishes of the child's parent or guardian, to the extent possible, a homeless child will continue to attend the school of origin (the school the child attended when he or she became homeless).

If the district wishes to send a homeless child to a school other than the school of origin or a school requested by the parent or guardian, the Superintendent or designee shall provide the parent or guardian (or child, if an unaccompanied youth) with a written explanation of its decision, together with a statement regarding the right to appeal the placement, which shall be in a manner and form understandable to them. The Superintendent or designee shall refer any such dispute to the district's liaison for the homeless for resolution. The homeless child must be enrolled in the school sought by the parent or guardian pending final resolution of the dispute, including all available appeals.

Admission Procedures

Upon identifying a student experiencing homelessness, the Superintendent of Schools or designee shall immediately:

1. Ensure that a designation form is given to the parent or guardian or unaccompanied youth and review the designation form to ensure that it is complete;
2. Admit the homeless child even if the child or his/her parent or guardian is unable to produce records normally required for enrollment, or the student has missed application or enrollment deadlines, or there is an unresolved dispute regarding school selection or enrollment;
3. Where applicable, make a written request to the school district where a copy of the child's records are located for a copy of the homeless child's school records;
4. Notify the liaison for homeless children of the child's admission. The liaison shall:

a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation and help arrange for transportation and other services such as those under Title I, Section 504, IDEA, and federal school meals;
b. ensure that the child receives the educational services for which they are eligible, including Head Start and Early Head Start, early intervention services, and preschool programs administered by the district;
c. make necessary referrals for the homeless children or their families to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services;
d. ensure that any enrollment disputes are mediated promptly and in accordance with law;
e. when assisting unaccompanied youth in placement or enrollment decisions, give priority to the views of such youth, and inform them of their status as "independent students" for purposes of applying for federal financial aid for college and assist with that process; and
f. assist in obtaining required immunizations, health screenings, immunization records or health records.

The Superintendent or designee shall forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

Unaccompanied Youth and Parent/Guardian Signatures

To the extent that district policies and practices require parent/guardian permission or consent, the district will remove barriers to admission and participation for unaccompanied youth due to lack of parent/guardian signatures. This includes, but is not limited to, enrollment, providing medical care and excuses for absences, participating in field trips and extracurricular activities, and accessing or releasing records. Where parent/guardian consent, permission or signatures cannot be obtained for unaccompanied youth, the district will accept signatures from the following

1. Persons designated by the parent/guardian as a "person in parental relation" under state General Obligations Law Title 15-A;
2. Authorized caregivers age 18 or older so identified by the unaccompanied youth;
3. The unaccompanied youths themselves; or
4. The McKinney-Vento liaison.

<u>Transportation</u>

Unless the homeless child is entitled to transportation provided by the Department of Social Services or Office of Children and Family Services, the district shall provide transportation services to the child in accordance with applicable law. A designated school district that must provide transportation to a homeless child is not required to provide transportation in excess of 50 miles one way, unless the Commissioner of Education determines that it is in the best interest of the child.

Transportation must be provided when the district receives notice of a child's homeless status, as well as during the pendency of disputes. If a child is receiving transportation to his/her school of origin and obtains permanent housing during the school year, the student has the right to continued transportation services to the school of origin until the end of the academic year, as well as if the student completes the final grade level in a building, or attends the designated receiving school at the next level.

Dispute Resolution Process

If, after the Superintendent or the Board appointed Student Residency Administrator (SRA) reviews the designation form (STAC-202), he/she finds that the student is either not homeless, not entitled to attend the district's school, or not entitled to transportation (if requested) the Superintendent or Student Residency Administrator (SRA) will (1) contact the District's homeless liaison to assist in the dispute resolution process and (2) contract the student and parent (if available) and inform them of their opportunity to provide more information prior to the District making a final determination.

The student and parent (if available) may produce relevant evidence to prove that the student is homeless under McKinney-Vento and may produce the following:

(1) Pictures of car or trailer where the student is living (should include detailed statements describing the contents of each photo);

(2) Receipt(s) from campground or mobile-camper park where the student is living;

(3) Receipt(s) from hotel/motel where the student is living;

(4) Statement from a person who lets the student sleep temporarily or on a short-term basis on their property or in their home;

(5) Eviction notice/warning;

(6) Foreclosure notice/warning;

(7) Letter from caseworker stating that the student is living in a shelter or in transitional housing;

(8) Statement from a caseworker, real estate agent, management company or any other person who is helping the petitioner find permanent housing;

(9) Copies of applications for permanent housing and an explanation of the status of the applications (for example: is the student or student's family on any waitlist for permanent housing? Was an application for permanent housing denied?);

(10) Copies of bills or other documents showing that utilities such as electricity, water, oil, or gas services have been turned off or are not working;

(11) Statements or other documentation establishing that the home does not have adequate heat, hot water, plumbing, or electricity;

(12) Statement from an inspector explaining that the home is not safe or sanitary;

(13) Statements describing overcrowded sleeping arrangements (for example: student sleeps on floor, sofa, etc.)

This list is not intended to be exhaustive nor is it a list of required documentation.

If after consideration of any additional information and input from the homeless liaison, the Superintendent or SRA must provide the student's parent or guardian, or the student, if the student is an unaccompanied youth, with written notice that the student is not entitled to their request. This written notice must also:

1. state the rationale/basis for the district's determination;
2. state the date as of which the student will be excluded from the district's schools (or transportation);
3. advise that the district's final determination may be appealed to the Commissioner of Education (Commissioner);
4. provide the name and contact information for the district's homeless liaison;
5. inform the student's parent or guardian or the student, if the student is an unaccompanied youth, that the district's homeless liaison is required to assist him/her in filing such an appeal; and
6. include, as an attachment, the form needed to file an appeal to the Commissioner.

The Superintendent or the Board appointed Student Residency Administrator (SRA) must ensure that the district's final decision is delivered to the parent, guardian, or unaccompanied youth in a timely manner. The student must remain enrolled and provided with transportation (if requested) until the district provides written notice of its final determination and for a minimum of 30 days after receipt of the determination to give the student's parent or guardian or unaccompanied youth the opportunity to appeal to the Commissioner.

If the parent/guardian or student commences an appeal to the Commissioner within 30 days of the final determination, the homeless child or youth will be permitted to continue to attend the school she/he is enrolled in at the time of the appeal and/or receive transportation to that school until the Commissioner renders a decision.

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