

EDUCATION OF HOMELESS CHILDREN

Identification of Homeless Children and Unaccompanied Youth

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, education, 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.

To assist in determining eligibility for services under the McKinney-Vento Act, the District will utilize a housing questionnaire for all enrolling students, and those reporting a change of address which asks for a description of the current living arrangements. In order to determine whether there are unserved homeless children in the School District, the School District shall contact the local department of social services, local runaway and homeless youth shelters and any other shelters located in the School District. It is understood that not all homeless students can be identified through agencies 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.

Definition of Homeless Children and Unaccompanied Youth

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 for whom no parent or person in parental relation is available.

Enrollment of Homeless Children and Unaccompanied Youth

A homeless child or youth has the right to designate one of the following as the school district within which the homeless child shall be entitled to attend: the (1) school district of origin (i.e., the school district in which the child was attending or was entitled to attend when circumstances arose which caused such child to be homeless); (2) the school district of current location (i.e., the school district in which the hotel, motel or other temporary housing arrangement is located); or (3) a school district participating in a regional placement plan . Such schools include publicly-funded preschools administered by the district or the State Education Department (SED).

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The homeless child is entitled to attend the designated school district 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 to attend 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 shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:

1. **Admission:** Upon designation, the District shall 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. 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 fee, fines, or absences.

2. **Transportation:** The District shall provide transportation for homeless students currently attending the District's schools as required by applicable law, as described in the accompanying Regulation 6160-AR. A designated school district that must provide transportation to a homeless child may not 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.
3. **School Records:** For homeless students attending school out of the District, the District shall, within five (5) 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 immediately 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.

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This shall 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 shall 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.

5. **Homeless Liaison:** The Superintendent shall 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 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:

- a. Informing parents or guardians of homeless children of the educational and related opportunities available to them and are provided with meaningful opportunities to participate in the education of their children;
- b. Informing parents or guardians and unaccompanied youth of all transportation services available to them, and assisting parents in accessing such services;
- c. Assisting parents or guardians of homeless children in promptly resolving disputes regarding services under this policy and enrollment;
- d. Coordinating the identification of homeless children, including homeless preschoolers, with school personnel, through outreach and in coordination with shelters, social service agencies, and other appropriate entities;
- e. Ensuring that homeless children are enrolled in educational programs, including but not limited to Head Start and preschool services to which they are eligible as well as referrals to health care, dental, mental health and substance abuse services, housing services and other appropriate services for homeless children and their families;
- f. Disseminating public notice of the educational rights of homeless children in locations frequented by homeless unaccompanied youth and parents/guardians of homeless children, including schools, shelters, public libraries and soup kitchens, in a manner and form understandable to them;

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- g. Ensuring staff who provide services to homeless students receive required professional development and support on identifying and meeting the needs of homeless students;
- h. Informing homeless unaccompanied youth of their rights; ensuring they 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.
- i. assisting the parent or guardian of the child or youth (or in the case of an unaccompanied youth) the youth with obtaining any necessary immunizations or screenings, or immunization or other required health records;
- j. Ensuring that enrollment disputes are mediated in accordance with the requirements of the McKinney-Vento Act, including where if a dispute arises over eligibility, school selection, or enrollment in a school, the child shall be enrolled.

Other District Responsibilities

In accordance with law and regulation, the District will offer a prompt dispute resolution process as set forth in accompanying administrative regulations. A student shall 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 collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

Dispute Resolution Process

If, after the Superintendent 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 designee will do the following:

1. Contact the district's homeless liaison to assist the homeless student's parents or guardians or the unaccompanied youth in the dispute resolution process.
2. Contact the student and parent (if available) and inform them of their opportunity to provide more information prior to the district making a final determination.

If, after consideration of any additional information and input from the homeless liaison, the Superintendent makes a final determination that a student is not homeless, or not entitled to enrollment or transportation, he/she 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;

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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 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 makes a final determination and for a minimum of 30 days after 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 s/he is enrolled in at the time of the appeal and/or receive transportation to that school until all available appeals are final.

Cross Ref: 5110, School Admissions
5151B, Student Health Services

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)
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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