

EDUCATION OF HOMELESS CHILDREN

I. Statement of Policy

- A. A child who is homeless, within the meaning of this Policy, shall be enrolled in a District school or receive other educational services identified in this Policy, whether or not that child otherwise qualifies as a resident of the District. Children who are homeless shall not be segregated in a separate building, or a separate program within a building, based on their status as homeless, and will be provided services comparable to those provided to other students of the District.
- B. This Policy shall be interpreted and applied in a manner such that the Waterville Central School District meets its clear obligations under New York State Education Law Section 3209 and related Regulations of the Commissioner, and the McKinney-Vento Homeless Education Assistance Act (42 USC 11431 et seq.), as amended and reauthorized.
- C. Information about a homeless student's living situation shall not be treated as directory information for purposes of applying the District's Educational Records Policy.

II. Definitions

- A. The term "child" is used in this Policy to refer to:
 - 1. any person who is between the ages of five (5) and twenty-one (21) or is an eligible pre-school student and who has not obtained a high school diploma,
 - 2. a migratory child as defined in Section 1309(2) of the Every Child Succeeds Act of 2015, and
 - 3. an unaccompanied youth, as that term is defined in the McKinney-Vento Homeless Assistance Act, who is not residing with someone other than a parent or legal guardian for the sole reason of enrolling as a student in the District.
- B. The term "school of origin" refers to the school district in which the child attended when permanently housed, or the school in which the child last enrolled, including preschool or a charter school. Provided that, for a homeless child who completes the final grade level served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools. Where the child is to attend school in the school district of origin because the child becomes homeless after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school age sibling who attends school in the school district of origin, the school of origin shall include any public school or preschool in which such child would

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have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be homeless.

III. Status as Homeless

A. A child is homeless, for purposes of this Policy, if the child:

1. lacks a fixed, regular, and adequate night-time residence, or
2. has a primary night-time location that is either:
 - a. a supervised shelter (publicly or privately operated) that is designed to provide temporary living accommodations; or
 - b. a place (public or private) that is not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

B. Among other possible situations, a child shall be considered to lack a fixed, regular, and adequate night-time residence if that child 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; or
3. abandoned in hospitals.

C. A child who is in foster care, or who is receiving educational services under Sections 3202(4), (5), (6), or (6-a), or Articles 81, 85, 87, or 88 of the Educational Law, is not considered homeless for purposes of this Policy.

IV. Homeless Liaison

The Superintendent shall designate a District administrator to serve as the District's local Liaison for Homeless Children, and shall promulgate an administrative regulation that describes the Liaison's responsibilities to ensure that the District complies with applicable statutes and regulations. One responsibility of the Liaison for Homeless Children shall be to review the District's policies and procedures, including transportation guidelines, to identify any policy or practice that acts as a barrier to the enrollment, attendance, school success, or retention of homeless children in the District, and to recommend to the Superintendent how a policy or practice may be revised to eliminate such a barrier.

V. Designation of School Choice and Enrollment

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- A. The District shall use an enrollment form that requests information about the living arrangements of the child being enrolled, sufficient to make an assessment of whether the child should be initially enrolled or provided services as a homeless child, pending final determination. When the information provided on the enrollment form indicates that a child should initially be classified as homeless, the District shall obtain a designation of whether the child chooses to attend school:
1. in a school in the district where the child's temporary housing or residential program for runaway and homeless youth is located, including, where a student enrolled in this District moves to a temporary housing location elsewhere in this District, the District school serving the attendance area in which the temporary housing is located (school of location); or
 2. in a school in the district where the child was last enrolled or attending or was entitled to attend, or where the child had a sibling attending, immediately prior to becoming homeless (school of origin); or
 3. in a school district participating in a regional placement plan (if there is one).
- B. The designation described in Section A, above, shall be made on the form provided by the Commissioner of Education (STAC-202), which the District shall make available. The District shall also use this form to collect information whenever a currently enrolled student initiates a change of address or claims homeless status. The District will honor a designation that is made:
1. by the child's parent, or person in parental relation;
 2. if the child is not in the physical custody of a parent or legal guardian, by the child with guidance and assistance from the Liaison for Homeless Children; or
 3. if the child is living in a residence for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, by the director of that residence in consultation with the child.
- C. Prior to the end of the first semester of attendance or within 60 days of commencing attendance at a school designated pursuant to this Policy, whichever occurs later, the designator may change the designation if the designator finds the original designation to be educationally unsound.
- D. If this District is designated as the District the child chooses to attend, the Superintendent shall ensure that:

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1. the designation form has been completed properly, and copies of the designation form are distributed as required;
 2. the child is admitted to instruction pending a complete evaluation of the child's status as homeless, even if the child is unable to produce the records normally required for enrollment, such as previous academic records, records of immunization and /or other required health records and proof of residency;
 3. the child is provided access to all District programs, activities, and services to the same extent as a resident student;
 4. the school district where the child's records are located is immediately requested to provide a copy, including coordination of the transfer of records for students with disabilities;
 5. the parent or guardian of the student in temporary housing is referred to the District's McKinney-Vento liaison; and
 6. if this District is also the district of location, and the child's temporary housing location is not operated by the local Department of Social Services or a residential program for runaway youth, SED is provided with a statement of the basis for the determination that the child is homeless and entitled to attend the District's schools, along with the completed designation form.
- E. After the initial assessment of homeless status based on the enrollment form, the Homeless Liaison shall make a complete inquiry into the student's status and make a recommendation to the Superintendent as to whether the child should continue to be classified as a homeless student, or be classified as a resident student or a non-resident student. If the Superintendent determines that the child should not be classified as a homeless child, then the Superintendent shall:
1. provide a written explanation to the person(s) making the designation, including an explanation of the appeal process; the availability of the McKinney-Vento liaison to assist the designator with the appeal process, and complete necessary forms; and
 2. defer for at least thirty (30) days a decision to deny enrollment, transportation, or other services to the child, and continue that deferral until the conclusion of any appeal process that is commenced with the Commissioner of Education with a stay application.
- F. After receiving the designation form, the Homeless Liaison shall make a determination whether the designation made by the designator is consistent with the best interests of the homeless student.

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1. In making the best-interest determination, the Homeless Liaison shall presume that keeping the child in the school of origin is in the child's best interests except where it is contrary to the wishes of the parent or guardian or unaccompanied youth; and shall consider student-centered factors such as the effect of mobility on student achievement, education, health and safety of the child, giving priority to the wishes of the child's parent or guardian or the unaccompanied youth.
 2. If it is determined that it is in the best interest of the child to attend a school other than the school of origin or the school designated by the designator, the Homeless Liaison shall provide the parent or guardian, or unaccompanied youth, with a written explanation of the determination and an explanation of their right to appeal.
- G. When a District school is the school of origin of a homeless student, and the student continues to attend that school while in temporary housing elsewhere, the student will be allowed to maintain enrollment in the school of origin for the duration of the homelessness and through the end of the school year in which the student becomes permanently housed. The student may remain enrolled in that school in the school year following the school year in which the student becomes permanently housed, if that additional year will be the student's last year of attendance in that school.
- VI. Tuition Reimbursement
- A. If a child classified as homeless under this Policy validly chooses to attend school in this District, and the student's temporary housing is located in this District, and the child's school district of origin is within New York State, the Superintendent shall take the necessary steps to obtain reimbursement by the State Education Department or another school district in the State 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.
 - B. Where the a homeless child was attending a school district on a tuition-free basis or was entitled to attend when circumstances arose which caused the child to become homeless is located outside the State, and the child's temporary housing is located in this District, the child shall be deemed a resident of this District and shall be entitled to attend the schools of this District without payment of tuition.

VII. Students With A Disability

If a child who has been receiving services as a child with a disability in another school district relocates to this District during the same school year the child has received those services, and that child is classified as homeless for purposes of this Policy, and that child

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makes a valid election to attend school in this District, then that child will be provided a free appropriate public education, including services comparable to those described in the individual education plan (IEP) prepared in the prior district of attendance.

VIII. Transportation

- A. When a child is classified as homeless for purposes of this Policy, the District will provide transportation between the child's temporary housing location and the school the child has designated for attendance, as set forth in this part.
1. If the child is living in a facility operated by the Department of Social Services or otherwise eligible for benefits under the Social Services Law, transportation will first be sought from the applicable agency, or transportation will be provided at the request of the agency if the agency agrees to be directly billed for the cost of the transportation.
 2. If the child is living in a residential facility for runaway and homeless youth, including a facility located outside the District, and a District school is designated as the school of attendance, the District will provide transportation and promptly request reimbursement from the State Education Department using the form provided by the Department.
 3. When a District school is the school of origin and that school is designated as the school of attendance, the District will provide transportation between the school of origin and the student's temporary housing, whether that location is within the District or outside the District, if the child is not entitled to receive transportation from the Department of Social Services.
 4. If a District school is designated as the school of attendance (but is not the school of origin) and the child's temporary housing is located within the District, transportation will be provided to the child on the same basis it is provided to resident students, unless this creates a barrier to the child's attendance at school.
 5. If the distance between the child's temporary housing location and the school the child legally attends is more than 50 miles (one way trip), transportation will only be provided when the Commissioner of Education certifies that the transportation is in the best interest of the child.
 6. If the District recommends that a homeless student attending a District school attend a summer educational program, the District will provide transportation between the summer program and the student's temporary housing, if failure to provide that transportation would pose a barrier to the student's participation in the program.

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7. If the District is designated as the district of attendance, the District will provide a homeless student with transportation to extracurricular activities when the student participates or would like to participate in extracurricular or academic activities, the student meets the eligibility criteria for the activity, and the lack of transportation would pose a barrier to the student's participation in the activity.
 8. Transportation to and from the child's temporary housing location and the school the child legally attends will be arranged in the most cost effective manner, including cooperative arrangements with neighboring districts when feasible.
 9. If there is a dispute regarding the child's entitlement to transportation as a homeless child, the District will provide transportation pending a final determination of the child's status.
- B. Expenditures for the transportation of a parent accompanying a homeless child shall be paid by the District only when:
1. the child is being transported using public transportation, transportation of the child with an accompanying parent has been determined by the District to be the most cost-effective means of transportation, and the District has determined that public transportation unaccompanied by the parent is inappropriate because of the child's age, the distance to be traveled, the complexity of the transportation arrangement, the need to transport the child through a high crime area, or a combination of such factors; or
 2. the child is a student with a disability whose individualized education program (IEP) includes the services of a transportation aide or attendant, and providing transportation with the parent serving as the transportation aide or attendant for the child is the most cost-effective means of transportation; or
 3. transportation by the parent in the parent's vehicle is the most cost-effective means of transportation.
- C. Transportation will be provided to a child classified as homeless for purposes of this Policy during any disputes regarding school enrollment or selection.
- IX. Meals
- A child identified as homeless for purposes of this Policy is eligible for free meals without completion of an application.
- X. Dispute Resolution

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The Superintendent shall promulgate an administrative regulation that establishes a dispute resolution process that ensures that the District complies with applicable statutes and regulations.

XI. Title I Coordination

- A. When a child who qualifies as homeless under this Policy is also eligible for services under Title I, Part A of ESSA, the District will provide those services whether or not that child lives in a Title I school attendance zone or meets the academic requirements for non-homeless children, and Title I, Part A funds will be set aside as 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.
- B. The District will include in its local plan a description of how the plan is coordinated with McKinney-Vento and services provided to homeless children.
- C. When the District reports that there are no homeless children or unaccompanied youth in non-Title I schools, the District will describe the efforts it made to identify homeless children and unaccompanied youth. As part of its efforts, the District will contact the local Department of Social Services and Office of Child and Family Services to determine if they have records of homeless youth living within the District.

XII. Staff Training and Public Notice

- A. The Liaison for Homeless Children shall receive annual training about the rights of homeless children and the District's responsibilities to provide educational services to homeless children.
- B. Instructional and non-instructional staff responsible for enrolling students or providing other educational services to homeless students shall receive periodic training about the rights of homeless children, the District's responsibilities to provide educational services to homeless children, and the District's policies and procedures for meeting its responsibilities, scheduled with sufficient frequency to ensure that staff are aware of substantive changes in the law or the District's policies and procedures.
- C. Public notice of the educational rights of homeless children shall be distributed by the District in places where families and youth are likely to be present, and in a manner and form understandable to parents, guardians, and unaccompanied youth. Where feasible, information shall be provided in native languages common in the District and in a format geared for individuals with low literacy skills. The Liaison for Homeless Children shall maintain records of where and when such information is distributed and the format used.

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XIII. Coordination With Other Policies

- A. In the event that the District, an academic department, or a teacher maintains a policy or procedure that conditions a student's academic status or participation in a school activity on a seat-time or minimum attendance requirement, a student's absence related to being homeless shall not be counted as absence for purposes of determining the student's academic status or eligibility to participate in the activity.
- B. A student whose attendance is interrupted by homelessness, as defined in this Policy, shall be awarded full or partial transcript credit, as appropriate, for work completed in a previous school of enrollment, or in the District, and shall be readmitted to continue education without penalty.
- C. The transportation provisions of this Policy shall be deemed to modify any other District Policy regarding student transportation to the extent necessary to accomplish the purposes of this Policy.
- D. Enrollment of a homeless student, and the eligibility of a homeless student to participate in an educational program or school activity of the District, shall not be denied because of outstanding fees or fines.

Waterville Central School District

Legal Ref: 8 NYCRR 100.2; NYS Education Law §§3202, 3209; 42 USC 11431, 11434A, 11342, 1758; 20 USC 6312, 6313; Every Student Succeeds Act of 2015 (ESSA)

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