

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH**

The Board recognizes the unique challenges that face homeless students and will provide these students with access to the same free, appropriate public education, including public preschool education, as other children and youth and access to educational and other services necessary to be successful in school, and will ensure that they are not separated from the mainstream school environment. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, or success of homeless students.

~~The parent or person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth established in accordance with Executive Law Article 19-H, in consultation with the homeless child, where such homeless child is living in such program, may designate either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child will attend.~~

~~In accordance with~~ As defined in 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:

- a) Sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason;
- b) Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- c) Abandoned in hospitals; or
- ~~d) —Awaiting foster care placement;~~
- d)e) A migratory child who qualifies as homeless in accordance with Commissioner's regulations. 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 one school district to another in the preceding 36 months, in order to obtain, or accompanies ~~such~~ his or her parent or spouse in order to obtain, temporary, or seasonal employment in agricultural or fishing work; or
- e)f) A child or youth who has a primary nighttime location that is:
  1. 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 in accordance with Executive Law Article 19-H; or
  2. 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.

~~g)~~ ~~Considered a~~ An "unaccompanied youth" means:

- ~~1. An unaccompanied youth is~~ a homeless child ~~(for whom no parent or person in parental relation is available) or youth~~ not in the physical custody of a parent or legal guardian.
- ~~2. An unaccompanied youth will~~ This term does not include a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the District.

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

~~The term "homeless child" does not include a child in foster care or receiving educational services in accordance with Education Law Sections 3202(4), (5), (6), (6a) or (7) or pursuant to Articles 81, 85, 87 or 88. For example, a child in a family home at board, a school for the intellectually disabled, 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."~~

A designator will decide which school district a homeless child or unaccompanied youth will attend. A designator is:

- a) The parent or person in parental relation to a homeless child; or
- b) The homeless child, together with the homeless liaison designated by the District, in the case of an unaccompanied youth; or
- c) The director of a residential program for runaway and homeless youth, in consultation with the homeless child, where the homeless child is living in that program.

The designator may select either the school district of current location, the school district of origin, or a school district participating in a regional placement plan as the district the homeless child will attend. However, the designated school district must determine whether the designation made by the parent, guardian, or youth, in the case of an unaccompanied youth, is consistent with the best interest of the child by considering certain student-centered factors, including factors related to the impact on education and the health and safety of the child or youth.

A homeless child is entitled to attend the school district of origin for the duration of his or her homelessness and also through the remainder of the school year in which he or she locates permanent housing in accordance with his or her best interest.

The term "school district of origin" includes preschool and feeder schools as defined by applicable law.

**Enrollment, Retention, and Participation in the Educational Program**

The District will immediately enroll children and youth who are homeless even if the child missed any relevant application or enrollment deadlines during any period of homelessness. ~~Enrollment of homeless children will not be delayed and their~~ The ability of a homeless child or youth to continue or participate in the educational program will similarly not be restricted due to issues such as:

- a) Transportation;
- b) Immunization requirements;

- c) Residency requirements;
- d) Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- e) Guardianship issues;

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**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

- f) Comprehensive assessment and advocacy referral processes;
- g) Resolution of disputes regarding school selection;
- h) Proof of social security numbers;
- i) Attendance requirements;
- j) Sports participation rules;
- k) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) Other enrollment issues.

**Educational Programs and Services**

The District will provide homeless children and youth with access to all of its programs, activities, and services to the same extent that they are provided to resident students.

Homeless children and youth will be educated as part of the school's regular academic program. Services **must will** be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts, including programs for special education, vocational and technical education, gifted and talented students, before and after school, English language learners, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds **must will** expand upon or improve services provided as part of the regular school program. Consequently, the District will 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 District will review and revise policies and practices, including transportation guidelines **as well as those related to outstanding fees, fines, or absences**, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the District.

~~All homeless children and youth are automatically eligible for Title I Part A services regardless of whether they meet the academic standards or live in a Title I school attendance area. Homeless students may receive Title I educational or support services from school-wide and targeted assistance school programs.~~

**Transportation**

**In order to ensure immediate enrollment, and so as not to create barriers to the attendance, retention, and success of homeless students, transportation must be promptly provided.** If the local social service district or the Office of Children and Family Services is not required to provide

transportation, the designated district is responsible for the provision and the cost of the student's transportation through the remainder of the school year in which the homeless student becomes permanently housed.

(Continued)

Students

**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)**

Where a homeless student designates the school district of current location as the district the student will attend, then that district will provide transportation to the student on the same basis as a resident student. Where the homeless student designates the school district of origin or a school district participating in a regional placement plan, then that district must provide transportation to and from the homeless child's temporary housing and school not to exceed 50 miles each way unless the Commissioner certifies that the transportation is in the best interests of the child.

Transportation is required even if the school of origin is located in another local educational agency (LEA) as long as attendance at the school of origin is in the best interest of the child or youth, even if it requires students to cross district lines. If two school districts are involved, the districts must agree on a method to apportion the cost and responsibility of transportation, or they must split it equally.

Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Transportation must be provided ~~during the pendency~~ pending of final resolution of any enrollment disputes, including any available appeals. If the designated district provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

**School District Liaison for Homeless Children and Youth**

The District will 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 described in law, Commissioner's regulations, and applicable guidance issued by the U.S. and New York State Education Departments. The District will inform school personnel, local service providers, and advocates of the office and duties of the local homeless liaison.

**Training**

~~The District will train a~~ All school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the legal requirements for enrollment of homeless students. Other staff members including Sschool nutrition staff, school registered professional nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

**Outreach**

The District will make every effort to inform the parents or guardians of homeless children and youth of the education, transportation, and related opportunities available to their children including transportation to the school of origin. The parent(s) or guardian(s) will be assisted in accessing transportation to the school they select, and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of homeless children and youth will be disseminated by the District in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens), and in comprehensible formats (e.g., geared for low literacy or other community needs).

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**SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH (Cont'd.)****Dispute Resolution**

The District will establish procedures 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 to the parent or guardian if the District sends the student to a school other than the school of origin or the school requested by the parent or guardian. These disputes will include, but are not limited to, disputes regarding transportation and/or a child's or youth's status as a homeless child or unaccompanied youth.

In the event of a dispute regarding eligibility, school selection, or enrollment, the homeless child or youth will be entitled to immediate or continued enrollment and transportation pending final resolution of the dispute, including all available appeals.

~~If there is a factual dispute over whether a student is homeless, the District will immediately enroll the student and then provide the parent or guardian the opportunity to submit verification of homelessness. The student will remain enrolled until a final determination is made by the District and for a minimum of 30 days after the final determination to allow the parent or guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within 30 days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.~~

**Record and Reporting Requirements**

If the District, as the school district of origin, receives a request to forward student records to a receiving district, the records must be forwarded within five days [of receipt of the request](#).

The District will maintain documentation regarding all aspects of the District's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The District will collect and transmit to the Commissioner of Education, at such time and in the manner as the Commissioner may require, a report containing information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

**Student Privacy**

Any information pertaining to the living situation of a homeless student, such as his or her homeless status or temporary address, is considered a student educational record and is not subject to disclosure as directory information under the Family Educational Rights and Privacy Act (FERPA).

8 NYCRR § 100.2(x)

NOTE: Refer also to Policy #7511 -- Immunization of Students

Adoption Date