

## HOMELESS CHILDREN

The Board of Education recognizes its responsibility 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 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. An unaccompanied youth is a homeless child for whom no parent or person in parental relation is available.

A homeless child has the right to attend school in either the district of origin (i.e., where he/she resided before becoming homeless), the district of current location, or a district participating in a regional placement plan. 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 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.

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 records, proof of residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment.

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.

2. **Transportation:** The district shall provide transportation for homeless students currently residing within the district as required by applicable law.

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2<sup>nd</sup> Reading: 08/02/2006

## 5151.1

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.

The Superintendent shall also designate a liaison for homeless children and ensure that this person is aware of his or her responsibilities under the law. 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 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;

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: 42 USC §§11431, et seq.  
School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg. 10,697-10,701  
(March 8, 2002)

Education Law §§207; 305; 3202; 3205; 3209  
Executive Law §§532-b; 532-e  
Social Services Law §§17; 62; 397  
8 NYCRR §§100.2; 175.6

## 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 must 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 shall 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." 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 with a written explanation of its decision, together with a statement regarding the right to appeal the placement process. 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 resolution of the dispute.

### Admission Procedures

Upon designation, the Superintendent of Schools or designee shall immediately:

1. 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 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;
  - b. ensure that the child receives the educational services for which they are eligible, including Head Start and Even Start and preschool programs administered by the district;
  - c. make necessary referrals to health care services, dental services, mental health services, and other appropriate services; and
  - d. ensure that any enrollment disputes are mediated promptly and in accordance with law.

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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.

### Transportation

In accordance with the Education Law, the school district of current location shall provide transportation to homeless children, where designated, as the school district of attendance, on the same basis provided to resident students. For homeless children who are ineligible for transportation whether from the local Department of Social Services or a residential program licensed by the Division for Youth (DFY) for runaway and homeless youth, the designated school district shall provide transportation from the child's temporary location and the school on the same basis it transports its resident students. If the student remains in the district of origin or district last enrolled, that district is responsible for transporting the student from his or her temporary residence to that district. Such transportation shall not be in excess of 50 miles each way except where the Commissioner of Education certified the transportation in excess of 50 miles 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.

If the homeless child attends a summer educational program and the lack of transportation poses a barrier to such child's participation in the summer educational program, the District shall provide transportation. Additionally, the District shall provide or arrange for transportation to extracurricular or academic activities where: (1) the homeless child participates in or would like to participate in an extracurricular or academic activity, including an after-school activity at the school; (2) the homeless child meets the relevant eligibility criteria for the activity the lack of transportation poses a barrier to such child's participation in the activity. The District should provide transportation for academically-based extracurricular activities and each potential activity should be reviewed on an individual basis to determine transportation eligibility.

The Superintendent of Schools or his/her designee shall develop procedures necessary to expedite the homeless child's access to the designated school.

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 in 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;
- 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 petition 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 with a stay application 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 the Commissioner renders a decision on the stay application.