

EDUCATION OF HOMELESS STUDENTS

The federal McKinney-Vento Homeless Assistance Act requires states and school districts to ensure that homeless children and youth have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth. Therefore it is the policy of the South Colonie Board of Education to provide for the identification, enrollment and transportation of homeless students in accordance with provisions of federal and state law which give homeless students the right to designate either the school district of origin or the school district of current location as the one they wish to attend.

Identification of Homeless Students

It is the policy of South Colonie Central School District to determine whether there are homeless students within the District by contacting the local Department of Social Services, the local runaway and homeless youth shelter and any other shelters located in the 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.

In order to carry out the obligation to affirmatively identify all homeless students, the District shall use an enrollment and residency questionnaire that asks for a description of the current living arrangements of the child or youth in order to determine whether the child or youth meets the definition of a homeless child under the McKinney-Vento Homeless Education Assistance Act 42 USC § 11434a(2), New York Education Law § 3209, and Regulations of the Commissioner of Education 8 NYCRR § 100.2(x).

Definition of Homeless Child and Unaccompanied Youth

Pursuant to McKinney-Vento 42 USC § 11434a(2), Education Law § 3209(1)(a), and 8 NYCRR § 100.2(x)(1)(i) a “homeless child” is defined as:

1. a child who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:
 - a. sharing the housing of other persons due to loss of housing, economic hardship or similar reason (sometimes referred to as “doubled-up”);
 - b. living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
 - c. abandoned in hospitals;
 - d. awaiting foster care placement; or
 - e. a migratory child who qualifies as homeless because he/she is living in circumstances described above; or

2. a child or youth who has a primary nighttime location that is:
 - a. 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; or
 - b. 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 stations or similar setting.

An “unaccompanied youth” is defined as a homeless youth who is not in the physical custody of a parent or guardian.

Mandated Local Liaison for Homeless Children and Youth

The District shall designate a local Liaison for Homeless Children and Youth (McKinney-Vento Liaison). The McKinney-Vento Liaison serves as one of the primary contacts between homeless families and school staff, District personnel, shelter workers, and other service providers. The McKinney-Vento Liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed academically. District staff shall coordinate with the McKinney-Vento Liaison in carrying out their activities and responsibilities with regard to homeless students.

The McKinney-Vento Liaison must ensure that:

1. homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies;
2. homeless students enroll in and have full and equal opportunity to succeed in the schools of the District;
3. homeless children and youth and their families receive educational services for which they are eligible, including preschool programs administered by the District, and referrals to health, mental health, dental, and other appropriate services;
4. parents or guardians of homeless children and youth are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
5. parents and guardians and unaccompanied youth are fully informed of all transportation services, including transportation to and from the school district of origin, and are assisted in accessing transportation services;
6. disputes regarding enrollment, school selection, and/or transportation are mediated in accordance with the requirements of the McKinney-Vento Act;
7. assistance in commencing an appeal pursuant to Education Law § 310 of a final determination regarding enrollment, school selection and/or transportation is provided to the homeless child’s or youth’s parent or guardian or the unaccompanied youth in accordance with the provisions of 8 NYCRR § 100.2(x)(7)(iii);

8. records of all appeals of enrollment, school selection and transportation determinations are maintained, records of all homeless students, their grade level and their nighttime residence for the year are maintained and reported annually to the New York State Department of Education;
9. public notice of the educational rights of homeless students is disseminated to locations where such students receive services under the McKinney-Vento Act; and
10. school personnel, service providers and advocates working with homeless families are informed of the duties of the homeless liaison.

Designation of School District the Homeless Student Will Attend

The District understands that the designator decides which school district a homeless child or youth will attend. A designator is defined as:

- the parent or person in parental relation (guardian) to a homeless child;
- the homeless child, together with the McKinney-Vento Liaison, in the case of an unaccompanied youth;
- the director of a residential program for runaway and homeless youth, in consultation with the homeless child, where such homeless child is living in such program.

The designator has the right to designate one of the following as the school district within which a homeless child shall be entitled to attend upon instruction:

- School District of Current Location: the public school district within the State of New York in which the hotel, motel, shelter or other temporary housing arrangement of a homeless child, or the residential program for runaway and homeless youth is located.
- School District of Origin: the public school district within the State of New York in which the homeless child was attending a public school on a tuition-free basis or was entitled to attend when circumstances arose which caused such child to become homeless. If the school district of origin is designated, the homeless child is entitled to return to the school building where previously enrolled.

The homeless child is entitled to attend the schools of 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 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.

Designation Form and District Duties Upon Receipt of Form

The District shall identify all students who are homeless and a designation form must be completed for all such students and any other student who claims homelessness. Designations must be made on state specified forms (STAC 202).

The appropriate designator must complete the designation form. All school districts, temporary housing facilities operated or approved by a local social services district, and residential facilities for runaway and homeless youth must make designation forms available to a homeless child who seeks admission to school or to the parent or person in parental relation who seeks to enroll such child in school.

Where the homeless child is located in a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth, the director of the facility or a person designated by the social services district, must, within two (2) business days of entry into such facilities, assist the designator to ensure that the form is properly completed and assist the child, where necessary, to enroll in the designated school district.

Where a parent or person in parental relation to a child who is neither placed in a temporary housing facility by the local Department of Social Services nor housed in a residential program for runaway homeless youth designates the school district of current location, the school district must forward to the State Education Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the schools of the District.

The District shall immediately review the designation form to assure that it has been completed and admit the homeless child even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency or other documentation.

The District shall provide the child with access to all of its programs, activities and services to the same extent as they are provided to resident students.

The District shall immediately contact the school district where the child's records are located in order to obtain a copy of such records.

If the child or youth needs to obtain immunization(s) or medical records, the District shall immediately refer the parent or guardian of the homeless child or youth to the McKinney-Vento Liaison who must assist in obtaining necessary immunization(s) or medical records.

The District shall forward the form (STAC 202) to the Commissioner of Education and the school district of origin, where applicable. In all cases, the District must give a copy of the completed form to the designator and keep a copy for the District's records.

District's Duties Upon Receipt of a Request for Records

Within five (5) days of receipt of a request for school records, the District shall forward, in a manner consistent with state and federal law, a complete copy of the homeless child's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

Transportation Responsibilities

The District shall provide transportation to homeless students according to the provisions of Education Law and the Commissioner's Regulations. Homeless children are entitled to transportation even if a school district does not provide transportation to non-homeless students and during any disputes regarding school selection and enrollment.

A social services district is responsible for providing transportation to homeless children who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts.

The New York State Office of Children and Family Services (OCFS) must provide transportation for each homeless child who lives in a residential program for runaway youth and homeless youth located outside of the designated school district. The social services district or OCFS may contract with the District to provide such transportation. Any homeless child not entitled to receive transportation from the Department of Social Services or OCFS must be transported by the District.

The District shall not provide transportation in excess of fifty (50) miles one way, unless the Commissioner determines that it is in the best interest of the child.

Dispute Resolution Process

The District has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

1. Provide a written explanation, including a statement regarding the right to appeal to the homeless child's or youth's parent or guardian, if the school district declines to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian.
2. Delay for thirty (30) days the implementation of a final determination to decline to either enroll in and/or transport the homeless child or youth or unaccompanied youth to the school of origin or a school requested by the parent or guardian of a homeless child or youth or unaccompanied youth.
3. If the parent or guardian of a homeless child or youth or unaccompanied youth commences an appeal to the Commissioner of Education with a stay application within thirty (30) days of such final determination, the homeless child or youth will be permitted to continue to attend the school he or she 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.
4. If the Commissioner grants the stay request and issues a stay order, the homeless child or youth or unaccompanied youth may continue attending the school until the Commissioner issues an appeal decision. However, if the Commissioner denies the stay request, the homeless child or youth or unaccompanied youth shall be asked to leave the school immediately.

5. If the Commissioner sustains the appeal, the homeless child or youth or unaccompanied youth may continue attending the school at issue. However, if the Commissioner dismisses the appeal, the homeless child or youth or unaccompanied youth shall be asked to leave the school immediately.

McKinney-Vento Liaison's Appeals Process Responsibilities

The responsibilities of the McKinney-Vento Liaison in the appeals processes are as follows:

1. Assist the homeless child's or youth's parent or guardian or unaccompanied youth in bringing an appeal to the Commissioner under Education Law § 310 of a final school district decision regarding enrollment, school selection and/or transportation.
2. Provide the parent or guardian or unaccompanied youth with a copy of the form petition.
3. Assist the parent or guardian or unaccompanied youth in completing the form petition, including the section requesting interim relief (stay provision).
4. Arrange for the copying of the form petition and supporting documents for the parent or guardian or unaccompanied youth, without cost to the parent or guardian or unaccompanied youth.
5. Accept service of the form petition and supporting papers on behalf of any District employee or officer named as a party or the District if it is named as a party, or arrange for service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board of Education to accept service on behalf of the District.
6. Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that the homeless liaison has received the form petition and supporting documents and will either accept service of these documents on behalf of the District employee or officer or school district or effect service by mail by mailing the form petition and supporting documents to any District employee or officer named as a party and, if the District is named as a party, to a person in the office of the Superintendent who has been designated by the Board of Education to accept service on behalf of the District.
7. Transmit on behalf of the parent or guardian or unaccompanied youth, within five (5) days after the service of, the form petition or any pleading or paper to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.
8. Provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that the McKinney-Vento Liaison has received the form petition and supporting documents and will transmit these documents on behalf of the parent, guardian or unaccompanied youth to the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

9. Accept service of any subsequent pleadings or papers, including any correspondence related to the appeal, if the parent or guardian or unaccompanied youth so elects, making such correspondence available to the parent or guardian or unaccompanied youth.
10. Maintain a record of all appeals of enrollment, school selection and transportation determinations.
11. Inform school personnel, service providers and advocates working with homeless families of the duties of the McKinney-Vento Liaison.

Coordination

The District must coordinate the provision of services provided with local social services agencies and other agencies or programs providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act.

The District shall coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

Access to Free Meals

All children identified as homeless are eligible for free meals if offered in the District. They do not have to complete an application. When a liaison or a shelter director provides a child's name to the local school food service office, free school meals should commence immediately.

Title I

Homeless children and youth are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children.

1. A district receiving Title I, Part A funds must include in its local plan a description of how the plan is coordinated with the McKinney-Vento Act.
2. The local plan must describe services provided to homeless children and youth.
3. If the District states that there are no homeless children or unaccompanied youth in non-Title I schools, the District must describe the efforts it made to identify homeless children and unaccompanied youth. Such efforts must include contacting the local social services district or OCFS to verify that there are no homeless children or unaccompanied youth in the District.
4. The District must also document that their enrollment form asks the living arrangements of the child or unaccompanied youth, including asking if he or she is living in a shelter; with relatives or others due to lack of housing; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack

of alternative, adequate housing; or temporarily housed in a shelter awaiting an OCFS permanent foster care placement. Documentation of the District's efforts to identify homeless children and unaccompanied youth must be maintained on file and a copy of the District's enrollment form which asks the above questions must also be kept on file.

Reporting

The District shall collect and transmit to the Commissioner, at such time and in such manner as the Commissioner may require, a report containing such information as the Commissioner determines necessary.

Reference: McKinney-Vento Homeless Education Assistance Act (42 USC § 11432 et seq.)
New York Education Law § 3209
Regulations of the Commissioner of Education, 8 NYCRR § 100.2(x)

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