

# Sample Local Educational Agency (“LEA”) Policy on the Education of Students in Temporary Housing<sup>1</sup>

## IDENTIFICATION OF STUDENTS IN TEMPORARY HOUSING<sup>2</sup>

Under the federal McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act of 2015 (ESSA) and Education Law Section §3209, as amended in 2017, all districts are obligated to affirmatively identify all students in temporary housing. Therefore, it is the policy of this local educational agency (“LEA”)<sup>3</sup> (*LEA Name Here*) to determine whether there are students in temporary housing within the LEA by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, (*LEA Name Here*) uses a housing 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 t.1102 Tc -0.002 Tw 0.2 0 Td(c)-42u 217.56 430.8 209.76 0.599 refBT0 g0.7

- (iv) a migratory child as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through (iii) of this subparagraph or subparagraph two of this paragraph;
- (v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or
- (2) a child or youth who has a primary nighttime location that is:
  - (i) 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 pursuant to article nineteen-H of the executive law; or
  - (ii) 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. *42 USC § 11434A(6); 8 NYCRR §100.2(x)(1)(iii)(6)*

### **DUTIES OF THE MANDATED MCKINNEY-VENTO LIAISON**

Every LEA, regardless of whether it receives a McKinney-Vento subgrant, is required to designate a local liaison for homeless children and youth (known as the “McKinney-Vento liaison”). The McKinney-Vento liaison for (*LEA Name Here*) serves as one of the primary contacts between families experiencing homelessness 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.

The (*LEA Name Here*)’s McKinney-Vento liaison must ensure that:

1. Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;
2. Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the schools of (*LEA Name Here*);
3. Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by an LEA, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq), and other preschool programs administered by the LEA.
4. Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate

5. Parents or guardians of students in temporary housing 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;
6. Parents and guardians of students in temporary housing, 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;
7. Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with the requirements of McKinney-Vento, Section 3209 of the Education Law, and Section 100.2(x)(7)(ii) of the Regulations of the Commissioner of Education;
8. Assistance in commencing an appeal pursuant to Education Law §310 of a final determination regarding eligibility, enrollment, school selection and/or transportation is provided to the students in temporary housing's parent or guardian or the unaccompanied youth in accordance with the provisions of 8 NYCRR §100.2(x)(7)(iii)(c);
9. Public notice of the educational rights of students in temporary housing is posted in locations where such students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of students in temporary housing, and unaccompanied youth; A record is maintained of all appeals of enrollment, school selection and transportation; and
10. School personnel providing services to students in temporary housing receive professional development and other support; and
11. Unaccompanied youths—
  - a. are enrolled in school;
  - b. have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations, and
  - c. are informed of their status as independent students under section 480 of the

The public school or preschool in which such child would have been entitled or eligible to attend based on such child’s last residence before the circumstances arose which caused such child to become homeless if the child becomes homeless after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.

*42 USC §11432(g)(3)(G); NY Education Law §3209(1)(i)*

Feeder school means:

a preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool; or

a school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or

a school that sends its students to a receiving school in a neighboring school district.

*NY Education Law §3209(1)(f)*

Receiving school means:

a school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

a school that enrolls students from a feeder school in a neighboring local educational agency.

*NY Education Law §3209(1)(h)*

Preschool means a publicly funded prekindergarten program or a Head Start program administered by *(LEA Name Here)* and/or services under the Individuals with Disabilities Education Act administered by *(LEA Name Here)*.

*NY Education Law §3209(1)(g)*

## **SCHOOL AND SCHOOL DISTRICT DESIGNATIONS**

*(LEA Name Here)* understands that the “designator” makes an initial decision about which school and school district a student in lemposciong-10 (na)4 (t)-2 (ii.2Tc 0.004 Tw 0.21 0 TdE07 Tw 12 uM2 0.00i)4 (

**School district of origin** - the public school district within the

**UPON RECEIPT OF THE DESIGNATION/STAC 202 FORM: IMMEDIATE ENROLLMENT AND BEST INTEREST DETERMINATIONS**

Upon identification of a child who is in temporary housing and/or receipt of a completed designation form, (*LEA Name Here*) will:

immediately review the designation form to assure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;

determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions (*LEA Name Here*) will:

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## **UPON RECEIPT OF A REQUEST FOR RECORDS**

Within five days of receipt of a request for school records from a new school, (*LEA Name Here*) will forward, in a manner consistent with state and federal law, a complete copy of the student in temporary housing's records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable. NY Education Law §3209(2)(g); 8 NYCRR §100.2(x)(5)

## **TUITION REIMBURSEMENT [only applicable to school districts, not charter schools or BOCES]**

(*LEA Name Here*) is eligible to request reimbursement from the State Education Department for the direct costs of educational services to students in temporary housing that are not otherwise reimbursed under special federal programs, when:

- the district is either the school district of current location or a school district participating in a regional placement plan,

- the district is designated as the school district of attendance, and

- the school district of origin for the student in temporary housing is within New York State.

All claims for reimbursement will be made on the STAC 202 form prescribed by the Commissioner of the State Education Department.

*NY Education Law §3209(3)(a)*

In addition, (*LEA Name Here*) is eligible for reimbursement for the direct costs of educational services, including transportation costs for students who continue enrolling in the district.

submission of a Runaway and Homeless Youth Act Transportation Program Form. Where *(LEA Name Here)* provides transportation for a student living in an Runaway and Homeless Youth (“RHY”) facility, the district will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form, which is available from the Homeless Education Program Office (518-473-0295) and online at [www.nysteachs.org](http://www.nysteachs.org). *NY Education Law §3209(4)(b)*

*(LEA Name Here)* will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(iv)*

When *(LEA Name Here)* is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, *(LEA Name Here)* will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student’s attendance in school. *NY Education Law §§3209(4)(d) & (6)(b); 8 NYCRR §100.2(x)(6)(iii)*

If the student in temporary housing designates *(LEA Name Here)* as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner of the State Education Department determines that it is in the best interest of the child. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(ii)*

Where *(LEA Name Here)* is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, such district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student’s participation in the program. *NY Education*





assist the parent or guardian or unaccompanied youth in completing the form petition;

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;

accept service of the form petition and supporting papers on behalf of any school district employee or officer named as a party or the school district if it is named as a party or arrange for service by mail by mailing the form petition and supporting documents to any school district employee or officer named as a party and, if the school 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 school district;

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 either accept service of these documents on behalf of the school district employee or officer or school district or effect service by mail by mailing the form petition and supporting documents to any school district employee or officer named as a party and, if the school 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 school district;

transmit on behalf of the parent or guardian or unaccompanied youth, within five 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;

provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement 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;

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. The liaison must also make such correspondence available to the parent or guardian or unaccompanied youth; and

maintain a record of all appeals of enrollment, school selection, and transportation determinations.

*42 USC §11432(g)(3)(E)(iii); 8 NYCRR §100.2(x)(7)(iii)(c)*

## **COORDINATION**

*(LEA Name Here)* will coordinate the provision of services described above with local social services agencies, housing providers and other agencies or programs providing services to students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.

*(LEA Name Here)* will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

(*LEA Name Here*) will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

42 USC §11432(g)(5); 8 NYCRR §100.2(x)(7)(iv)

**COORDINATION WITH TITLE I (For LEAs that receive Title I Funds)**

(*LEA Name Here*) acknowledges that students in temporary housing 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. (*LEA Name Here*) will ensure that:

Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;

Its local plan includes a description of how the plan is coordinated with McKinney-Vento;

Its local plan describes the services provided to students in temporary housing;

Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if (*LEA Name Here*) reports that there are no students in

