

HOMELESS CHILDREN

The Board of Education recognizes its responsibility under federal (McKinney-Vento) and state laws and regulations to identify homeless children within the district, encourage their enrollment and eliminate existing barriers to their identification, enrollment, attendance, or success in school 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 and other school programs and activities, including publicly funded preschool 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 a migratory child who qualifies as homeless. An unaccompanied youth is a homeless child not in the physical custody of a parent or guardian.

To assist in determining eligibility for services under the McKinney-Vento Act, the District shall use a housing questionnaire for all enrolling students, and those reporting a change of address, which asks for a description of the student's current living arrangements.

A homeless child has the right to attend school in either the school of origin (i.e., where he/she resided before becoming homeless, or the school he/she was last enrolled), the school in the district of current location (i.e., where he/she currently resides as a result of his/her homelessness) that he/she is entitled to attend based on attendance zone or general eligibility, or a school in a district participating in a regional placement plan. Such schools include preschools. The homeless child is entitled to attend the designated school 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. If a homeless child completes the final grade level in his/her school of origin, the child may also attend the designated receiving school at the next grade level.

The Superintendent of Schools shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:

THREE VILLAGE CENTRAL SCHOOL DISTRICT

5151

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 or immunization records (however, the district may temporarily exclude a child from attendance if there are actual symptoms of a communicable disease that poses a significant risk of transmission to others,) proof of age or residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment. During a dispute, the student may continue attending the school until final resolution of the dispute, including all available appeals. 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. The district shall eliminate barriers to identification, enrollment and retention of homeless children, including barriers to enrollment and retention due to outstanding fees, fines or absences.
2. Transportation: The district shall promptly provide transportation for homeless students currently attending district schools as required by applicable law, as described in the accompanying regulation. In general, the district shall ensure that transportation is provided to homeless students enrolled in the district who attend a school of origin, including a publicly funded preschool administered by the district or SED, even if the student lives outside the district's boundaries. Transportation shall be provided for the duration of homelessness, through the remainder of the school year in which the student becomes permanently housed, and one additional year if that is the student's final year in the school.
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. For homeless students attending school in the district, the district shall request the student's records (academic, medical, etc.) from the school the student last attended.
4. Coordination: The district shall coordinate with local social services agencies and other entities providing services to homeless children and their families for the provision of services to homeless children, and shall coordinate with other school districts on issues of prompt identification, transportation, transfer of records, and other inter-district activities. This shall include ensuring the provision of appropriate services to homeless students with disabilities who are eligible for services under either Section 504 or IDEA.

A portion of the district's Title I, Part A funds shall be set aside for homeless children and youth to provide educationally related support services and services not ordinarily provided to other students.

Information about a homeless child's living situation shall be treated as a student education record, and shall not be considered directory information under FERPA. See policy 5500, Student Records, for more information.

The Superintendent shall also designate a McKinney-Vento liaison for homeless children and ensure that this person is aware of, and able to carry out, his or her responsibilities under the law. The Superintendent shall ensure that the liaison receives appropriate professional development on identifying and meeting the needs of homeless students, including the

THREE VILLAGE CENTRAL SCHOOL DISTRICT

5151

definitions of terms related to homelessness. 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, through outreach and 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 but not limited to Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate services for homeless children and their families;
6. public notice of the educational rights of homeless children is disseminated in locations frequented by homeless unaccompanied youth and parents/guardians of homeless children, in a manner and form understandable to them;
7. staff who provide services to homeless students receive required professional development and support on identifying and meeting the needs of homeless students;
8. homeless unaccompanied youth are informed of their rights, are enrolled in school, and have opportunities to meet the same state standards set for all students, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner's regulations.

In accordance with law and regulation, the district will offer a prompt dispute resolution process (described in more detail in the accompanying administrative regulation). A student shall be entitled to continued enrollment in the district's schools, and transportation, pending resolution of the dispute and all available appeals.

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.

Cross-ref: 5150, School Admissions
 5420, Student Health Services
 5500, Student Records

Ref: 20 USC § 6313(c)
 42 USC §§11431 et seq.
 McKinney-Vento Education for Homeless Children and Youth Program, 81 Fed. Reg.
 14432-14436 (3/17/16)
 U.S. Department of Education, Education for Homeless Children and Youths Program,
 Non-Regulatory Guidance (7/27/16),
 Education Law §§207; 305; 3202; 3205; 3209

THREE VILLAGE CENTRAL SCHOOL DISTRICT

5151

Executive Law §§532-b; 532-e
Social Services Law §§17; 62; 397
8 NYCRR §§100.2(x); 175.6

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THREE VILLAGE CENTRAL SCHOOL DISTRICT

5151-R

HOMELESS CHILDREN REGULATION

Each school in the District will 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 McKinney-Vento liaison for homeless students will 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" and will:

1. presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the wishes of the parent or guardian or unaccompanied youth; and
2. 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 unaccompanied youth.

If the District determines that it is in the best interests of the student to attend a school other than the school of origin or a school requested by the parent or guardian, the Superintendent or designee will provide the parent or guardian, or unaccompanied youth with a written explanation of its decision, together with a statement regarding the right to appeal the placement, which will be in a manner and form understandable to them. The Superintendent or designee will refer any such dispute to the District's McKinney-Vento liaison for resolution. The student must be enrolled in the school sought by the parent or guardian or unaccompanied youth pending final resolution of the dispute, including all available appeals.

Admission Procedures

Upon identifying a student experiencing homelessness, the Superintendent of Schools or designee will immediately:

1. ensure that a designation form is given to the parent or guardian or unaccompanied youth and review the designation form to ensure that it is complete;
2. admit the homeless child even if the child or their parent or guardian is unable to produce records normally required for enrollment, or the student has missed application or enrollment deadlines, 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 McKinney-Vento liaison of the child's admission. The liaison must:
 - a. notify the child and/or the parent or guardian of the educational and related opportunities available to homeless children including transportation to the school of origin, and help arrange for transportation and other services such as those under Title I, Section 504, IDEA, and federal school meals;

THREE VILLAGE CENTRAL SCHOOL DISTRICT

5151-R

- b. ensure that the child receives the educational services for which they are eligible, including Head Start and Early Head Start, early intervention services, and preschool programs administered by the District;
- c. make necessary referrals for the homeless children or their families to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services;
- d. ensure that any enrollment disputes are mediated promptly and in accordance with law;
- e. when assisting unaccompanied youth in placement or enrollment decisions, give priority to the views of such youth, and inform them of their status as “independent students” for purposes of applying for federal financial aid for college and assist with that process; and
- f. assist in obtaining required immunizations, health screenings, immunization records or health records.

The Superintendent or designee will forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

Unaccompanied Youth and Parent/Guardian Signature

1. To the extent that District policies and practices require parent/guardian permission or consent, the District will remove barriers to admission and participation for unaccompanied youth due to lack of parent/guardian signatures. Where parent/guardian consent, permission or signatures cannot be obtained for unaccompanied youth, the District may accept signatures from the following: Persons designated by the parent/guardian as a “person in parental relation” under state General Obligations Law Title 15-A;
2. Authorized caregivers age 18 or older so identified by the unaccompanied youth; or
3. The unaccompanied youths themselves.

Tuition Reimbursement

Where either the school district of current location or a school district participating in a regional placement plan is designated as the school district in which the homeless child will attend and such homeless child’s school district of origin is within New York State, the school district providing instruction will be eligible for reimbursement by the Department 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. The claim for reimbursement must be on the STAC 202 form or the form otherwise prescribed by the Commissioner.

Transportation

Unless the homeless child is receiving transportation provided by the Department of Social Services or Office of Children and Family Services, the District will provide transportation services to the child in accordance with applicable law. Where the District is designated by the parent/guardian or unaccompanied youth, and the student attends the school of origin as defined in law described in the accompanying policy (including a publicly funded preschool

THREE VILLAGE CENTRAL SCHOOL DISTRICT

5151-R

administered by the district or the State Education Department), the District will provide transportation, even if transportation is not generally provided to permanently housed students and the student is residing outside the District's boundaries.

A designated school district that must provide transportation to a homeless child is not required to provide transportation in excess of 50 miles one way, unless the Commissioner of Education determines that it is in the best interest of the child.

Transportation must be provided to the school of origin when the District receives notice of a child's homeless status, for the duration of the student's homelessness, as well as during the pendency of disputes. Transportation must be provided to the receiving school as defined in Education Law §3209(1)(h) if the student is homeless over multiple school years. If a student becomes permanently housed during the school year, the student has the right to transportation services to the school of origin until the end of the academic year, as well as one additional year if it is the student's final grade level or terminal year in the building.

If the District recommends that a homeless child attend a summer educational program, and lack of transportation is a barrier to participation, the District will provide transportation. The District will provide transportation to extracurricular or school activities for homeless students eligible for such activities where lack of transportation is a barrier to participation.

Dispute Resolution Process

If, after the Superintendent reviews the designation form, they find 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 McKinney-Vento 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 McKinney-Vento liaison, the Superintendent makes a final determination that a student is not homeless, or not entitled to enrollment or transportation, they 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), which must be at least 30 days from receipt of the written notice;
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 McKinney-Vento liaison;

THREE VILLAGE CENTRAL SCHOOL DISTRICT

5151-R

5. inform the student's parent or guardian or the student, if the student is an unaccompanied youth, that the District's McKinney-Vento liaison is required to assist him/her in filing such an appeal; and
6. include, as an attachment, the form 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 provides written notice of its final determination and for a minimum of 30 days after receipt of the determination to give the student's parent or guardian or unaccompanied youth the opportunity to appeal to the Commissioner.

Homeless Liaison's Dispute Resolution Responsibilities

- The homeless liaison must 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.
- The homeless liaison must provide the parent or guardian or unaccompanied youth with a copy of the form petition.
- The homeless liaison must assist the parent or guardian or unaccompanied youth in completing the form petition, including the section requesting interim relief (stay provision).
- The homeless liaison must 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.
- The homeless liaison must 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.
- The homeless liaison must 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 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.
- The homeless liaison must 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.

THREE VILLAGE CENTRAL SCHOOL DISTRICT

5151-R

- The homeless liaison must provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that the homeless 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.
- The homeless liaison must 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 related to the appeal on behalf of the parent or guardian or unaccompanied youth and making such correspondence available to the parent or guardian or unaccompanied youth.

Additional Homeless Liaison Responsibilities

- The homeless liaison must maintain a record of all appeals of enrollment, school selection and transportation determinations.
- The homeless liaison must inform school personnel, service providers and advocates working with homeless families of the duties of the homeless liaison.

Form Petition Availability

- The form petition can be found at <http://www.counsel.nysed.gov/appeals/petition.htm>.

Coordination

- The District must coordinate the provision of services provided pursuant to subtitle B of Title VII of the McKinney Vento Homeless and Educational Assistance Act, as amended (42 U.S.C. §§ 11431 et. seq.) with local social services agencies and other agencies or programs providing services to homeless children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act.
- The District must coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

Coordination with 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.
- The District must set aside funds as are necessary to provide services comparable to those provided to children in Title I, Part A funded schools to serve homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where homeless children may live.
- A District receiving Title I, Part A funds must include in its local plan a description of how the plan is coordinated with McKinney-Vento.
- The local plan must describe services provided to homeless children.

THREE VILLAGE CENTRAL SCHOOL DISTRICT

5151-R

- If a 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 Department of Social Services ("DSS") or OCFS to verify that there are no homeless children or unaccompanied youth in the LEA.
- 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 LEA's efforts to identify homeless children and unaccompanied youth must be maintained on file and a copy of the LEA's enrollment form which asks the above questions must also be kept on file.

Reporting

The District must 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 is necessary to assess the educational needs of homeless children and youth with the State.

If the parent/guardian or student commences an appeal to the Commissioner 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.

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