

OGDENSBURG CITY SCHOOL DISTRICT
OGDENSBURG, NEW YORK

SUBJECT: Second Review of Revised Board of Education Policy/Regulation
#7131: Education of Homeless Children and Youth

DATE: April 2, 2018

REASON FOR BOARD CONSIDERATION:

The Board of Education must review and approve all policies and regulations of the Ogdensburg City School District.

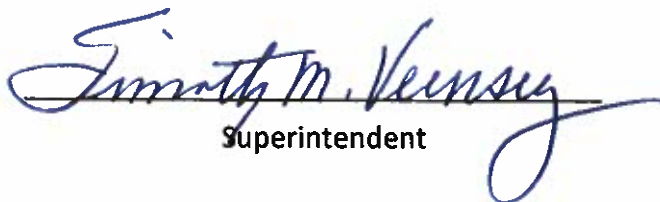
FACTS AND ANALYSIS:

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.

RECOMMENDED ACTION:

No action necessary – Second Review of Revised Board of Education Policy/Regulation #7131: Education of Homeless Children and Youth.

APPROVED FOR PRESENTATION TO THE BOARD:


Superintendent

TMV/alf
Attachment

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.

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) 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 his or her parent or spouse in order to obtain, temporary, or seasonal employment in agricultural or fishing work; or
- e) 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.

An "unaccompanied youth" means a homeless child not in the physical custody of a parent or legal guardian. 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)

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

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. 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;

(Continued)

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 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 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.

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)

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 pending 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.

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 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

All school enrollment staff, secretaries, school counselors, school social workers, and principals will be trained on the requirements for enrollment of homeless students. Other staff members including school 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).

(Continued)

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.

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).

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the Every Student Succeeds Act (ESSA), 42 USC § 11431 et seq.
Education Law §§ 902(b) and 3209
Executive Law Article 19-H
8 NYCRR § 100.2(x)

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

Adopted by the Ogdensburg City School District on: April 16, 2018

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SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

Definitions of terms related to homelessness are set forth below to assist personnel, students, and other interested parties in identifying homeless children as well as meeting their unique needs.

Feeder School includes a preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool, where the specified school or schools exist; 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 the school; or a school that sends its students to a receiving school in a neighboring school district in accordance with Education Law Section 2040.

Preschool means a publicly-funded education program provided to preschool children that is either administered by the State Education Department or a local educational agency (LEA), including a pre-kindergarten program or a Head Start program administered by an LEA.

School district of origin means the school district within New York State 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 the child to become homeless, which is different from the school district of current location. This term includes preschool and feeder schools.

School district of current location means the public school district within New York State 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, which is different from the school district of origin.

Regional placement plan means a comprehensive regional approach to the provision of educational placements for homeless children which has been approved by the Commissioner of Education.

Unaccompanied youth means a homeless child for whom no parent or person in parental relation is available.

Local educational agency liaison is the staff person designated by the District, who may also be a coordinator for other federal programs, as the person responsible for carrying out the duties assigned to the liaison in accordance with the McKinney-Vento Act as well as state law and regulations, and applicable guidance issued by the U.S. and New York State Education Departments.

Choice of District

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

- 1) The school district of current location;
- 2) The school district of origin; or
- 3) A school district participating in a regional placement plan.

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

Depending on which designated category is applicable to the District, attendance areas or school building, duration of attendance, and transportation requirements will be in accordance with law and regulation.

While the parent, guardian, and youth, in the case of an unaccompanied youth, designates a school district of attendance, the designated school district must then determine whether the designation made by the parent, guardian, or youth about where the child will attend school is consistent with the best interest of the child by:

- 1) Presuming that keeping the child or youth in the school of origin is in the child or youth's best interest, except when doing so is contrary to the request of the child's parent or guardian, or youth; and
- 2) Considering student-centered factors such as impact of mobility on achievement, education, and the health and safety of the child or youth. The District may also consider the school placement of siblings in making this determination.

If the school district determines the designation is not in the best interest of the child or youth, it will provide a written explanation of the reasons for its determination in a manner and form understandable to the parent, guardian, or unaccompanied youth, and information as to their right to appeal the decision. Despite the school district's determination, the child or youth will nevertheless be immediately enrolled in the school in which enrollment is sought during the pendency of any available appeals.

Designation Form

A designation form provided by the Commissioner of Education, and made available by the District, must be completed by the appropriate designator. Upon receipt of a designation form, the District (if designated the district of attendance) will immediately:

- 1) Review the designation form to ensure that it has been completed;
- 2) 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;
- 3) Provide the child with access to all of its programs, activities, and services to the same extent as they are provided to resident students;
- 4) Immediately contact the school district where the child's records are located for a copy of their records and coordinate the transmittal of records for students with disabilities;

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

- 5) If the child or youth needs to obtain immunizations or immunization or medical records, the school admitting the child or youth will immediately refer the parent or guardian of the homeless child or youth to the District liaison for homeless children and youth who will assist in obtaining necessary immunizations or immunization or medical records.

The designation form will be forwarded to the Commissioner of Education and, where applicable, the school district of origin. The District will also provide a copy of the completed designation form to the designator and keep a copy of the form or the District's records.

Within five days of receipt of a request for school records from a new school, the District will forward a complete copy of the homeless child's records including, but not limited to, proof of age, academic records, evaluations, immunization or medical records, and guardianship papers, if applicable.

District Responsibilities

The District will:

- 1) 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;
- 2) To the extent feasible and consistent with the applicable requirements in 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 or youth's parent or guardian; and
- 3) Provide to a student with a disability who transfers school districts within the same academic year a free appropriate public education including services comparable to those described in the previous individualized education program (IEP).

To facilitate immediate enrollment, the District may consider the following practices:

- 1) Training all school enrollment staff such as secretaries, guidance counselors, school social workers, and principals on the requirements regarding immediate enrollment;
- 2) Reviewing all District policies and regulations to ensure that they comply with federal and state requirements pertaining to the education of homeless children and youth;
- 3) Collaborating with community-based or public agencies to provide uniformity within and among neighboring districts;
- 4) Contacting the previous school for records and assistance with placement decisions; and
- 5) Expeditiously following up on any special education referrals or services and language assistance services.

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

Dispute Resolution

In accordance with the McKinney-Vento Act, if a dispute arises over eligibility, school selection, or enrollment in a school:

- 1) The homeless child or unaccompanied youth will be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;
- 2) The parent or guardian of the child or unaccompanied youth will be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or unaccompanied youth to appeal the decision;
- 3) The unaccompanied youth, parent, or guardian will be referred to the District liaison who will carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
- 4) In the case of an unaccompanied youth, the District liaison will ensure that the youth is immediately enrolled in the school pending resolution of the dispute.

Duties of the District Liaison for Homeless Children and Youth

The District liaison's responsibilities include, but are not limited to, ensuring that:

- 1) Homeless children and youths, including preschoolers, are identified by school personnel and through coordination activities with other entities and agencies;
- 2) Young children experiencing homelessness are connected to additional early care and education programs such as Head Start or Early Intervention;
- 3) Homeless children and youths enroll in, and have full and equal opportunity to succeed in schools in the District, including the opportunity to receive appropriate full or partial credit for coursework completed while attending a prior school;
- 4) Homeless families, children, and youths receive educational services for which they are eligible, including Head Start and Even Start programs and preschool programs administered by the District; and referrals to housing services, substance abuse services, health care services, dental services, mental health services, and other appropriate services;
- 5) The parents or guardian of homeless children and unaccompanied youths 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;

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

- 6) School personnel receive professional development and other support/training;
- 7) Public notice of the educational rights of homeless children and youths is disseminated, in a manner and form that is understandable, where those children and youths receive services in accordance with the McKinney-Vento Act, such as in schools, family shelters, and soup kitchens;
- 8) Enrollment disputes are mediated in accordance with the requirements of the McKinney-Vento Act, as well as other applicable laws and regulations;
- 9) The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, in accordance with law and/or regulation; and is assisted in accessing transportation to the school that is selected.

In the case of an unaccompanied youth:

- 1) Ensuring that assistance is provided in placement or enrollment decisions including coordination with the Committee on Special Education. The views of the unaccompanied youth will be considered and he or she will be provided notice of the right to appeal in accordance with law and regulation;
- 2) Ensuring that these youths are enrolled in school and are informed of their independent status and receive verification of this status for the Free Application for Federal Student Aid (FAFSA).

The District will inform school personnel, service providers, and advocates working with homeless families of the duties of the District liaison.

Coordination

The District will coordinate:

- 1) The provision of services set forth in the McKinney-Vento Act with local social services agencies and other agencies or programs providing services to homeless children and youths and their families;
- 2) With other school districts on inter-district issues, such as transportation or transfer of school records; and
- 3) Implementation with the requirements of the Individuals with Disabilities Education Act (IDEA).

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH

The parent/person in parental relation to a homeless child; or the homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or the director of a residential program for runaway and homeless youth establish pursuant to Article 19-H of the Executive Law, 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 shall attend.

Pursuant to 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;
- d) Awaiting foster care placement; or
- e) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, 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 parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- 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 pursuant to Article 19-H of the Executive Law; 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.

(Continued)

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

The term "homeless child" shall not include a child in foster care or receiving educational services pursuant to Education Law Section 3202(4),(5),(6),(6a) or (7) or pursuant to Article 81, 85, 87 or 88. For example, a child in a family home at board, a school for the mentally retarded, 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."

Homeless children and youth shall be educated as part of the school's regular academic program. Services must be provided to homeless children and youth through programs and mechanisms that integrate homeless children and youth with their non-homeless counterparts. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program. Consequently, the School District shall 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 School District shall review and revise policies and practices, including transportation guidelines, that may act as barriers to the enrollment, attendance, school success, and retention of homeless children and youth in the School District.

The District shall also establish guidelines 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 in accordance with law, to the homeless child's or youth's parent or guardian if the School District sends such child or youth to a school other than the school of origin or the school requested by the parent or guardian.

School District Liaison for Homeless Children and Youth

The School District shall 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 in law, Commissioner's Regulations and applicable guidance issued by the U.S. and New York State Education Departments.

Reporting Requirements

The School District shall collect and transmit to the Commissioner of Education, at such time and in the 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 youths within the state.

(Continued)

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

McKinney-Vento Homeless Education Assistance Act,
as reauthorized by the No Child Left Behind Act of 2001
42 United States Code (U.S.C.) Section 11431 et seq.
Education Law Section 3209
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(x)

Adopted: 8/18/03

SUBJECT: EDUCATION OF HOMELESS CHILDREN AND YOUTH**Definitions****Homeless Child**

Pursuant to 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:

- 1) Sharing the housing of other persons due to a loss of housing, economic hardship or a similar reason;
- 2) Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
- 3) Abandoned in hospitals;
- 4) Awaiting foster care placement; or
- 5) A migratory child who qualifies as homeless in accordance with Commissioner's Regulations. As defined in the No Child Left Behind Act of 2001, 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 thirty-six (36) months, in order to obtain, or accompanies such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work.
- 6) 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 established pursuant to Article 19-H of the Executive Law; 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 station or similar setting.

(Continued)

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

The term "**homeless child**" shall not include a child in foster care or receiving educational services pursuant to 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 mentally retarded, 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."

Designator means:

- 1) The parent or person in parental relation to a homeless child; or
- 2) The homeless child, together with the homeless liaison designated by the School District in the case of an unaccompanied youth; or
- 3) The director of a residential program for runaway and homeless youth established pursuant to Article 19-H of the Executive Law, in consultation with the homeless child, where such homeless child is living in such program.

School district of origin means the school district within New York State 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, which is different from the school district of current location.

School district of current location means the public school district within New York State 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, which is different from the school district of origin.

Regional placement plan means a comprehensive regional approach to the provision of educational placements for homeless children which has been approved by the Commissioner of Education.

Unaccompanied youth means a homeless child for whom no parent or person in parental relation is available.

Local educational agency liaison is the staff person designated by the School District, who may also be a coordinator for other federal programs, as the person responsible for carrying out the duties assigned to the liaison pursuant to the McKinney-Vento Act as well as state law and regulations, and applicable guidance issued by the U.S. and New York State Education Departments.

(Continued)

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

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

- 1) The school district of current location;
- 2) The school district of origin; or
- 3) A school district participating in a regional placement plan.

Depending on which designated category is applicable to the School District, attendance areas/school building, duration of attendance, and transportation requirements shall be in accordance with law and/or regulation.

Transportation

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. Where a homeless student designates the school district of current location as the district the student will attend, that district shall 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.

A designated school district that must provide transportation to a homeless student may not provide transportation in excess of 50 miles one way, unless the commissioner of education determines that it is in the best interest of the student.

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

Reimbursement

If the School District is designated the district of attendance and the District is either the school district of current location or a school district participating in a regional placement plan, and the homeless child's school district of origin is within New York State, the District is eligible for reimbursement by the State Education Department for the direct cost of educational services. Pursuant to Commissioner's Regulations, the school district of origin (if not designated the district of attendance) shall reimburse the State Education Department in accordance with law.

(Continued)

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

A designation form provided by the Commissioner of Education shall be completed by the appropriate designator as defined above. Upon receipt of a designation form, the School District (if designated the district of attendance) shall immediately:

- 1) Review the designation form to assure that it has been completed;
- 2) 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;
- 3) Provide the child with access to all of its programs, activities and services to the same extent as they are provided to resident students;
- 4) Immediately contact the school district where the child's records are located for a copy of such records and coordinate the transmittal of records for students with disabilities;
- 5) If the child or youth needs to obtain immunizations or immunization or medical records, the school admitting such child or youth shall immediately refer the parent or guardian of the homeless child or youth to the District liaison who shall assist in obtaining necessary immunizations or immunization or medical records.

The designation form shall be forwarded to the Commissioner of Education and, where applicable, the school district of origin.

Within five (5) days of the receipt of a request for school records, the school district receiving such request shall forward a complete copy of the homeless child's records including, but not limited to, proof of age, academic records, evaluations, immunization or medical records, and guardianship papers, if applicable.

School District Responsibilities**Enrollment, Retention and Participation in the Educational Program**

Enrollment of homeless children shall not be delayed and their ability to continue or participate in the educational program shall not be restricted due to issues such as:

- 1) Transportation;
- 2) Immunization requirements;

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- 3) Residency requirements;
- 4) Birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- 5) Guardianship issues;
- 6) Comprehensive assessment and advocacy referral processes;
- 7) Resolution of disputes regarding school selection;
- 8) Proof of social security numbers;
- 9) Attendance requirements;
- 10) Sports participation rules;
- 11) Inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- 12) Other enrollment issues.

The School District shall:

- 1) 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;
- 2) To the extent feasible and consistent with the applicable requirements in 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 or youth's parent or guardian; and
- 3) Provide to a student with a disability (as defined in Section 200.1(zz) of Commissioner's Regulations) who transfers school districts within the same academic year a free appropriate public education including services comparable to those described in the previous individualized education program (IEP).

To facilitate immediate enrollment, the School District may consider, but is not limited to, the following practices:

- 1) Training all school enrollment staff such as secretaries, guidance counselors, school social workers, and principals on the legal requirements regarding immediate enrollment;
- 2) Reviewing all District policies and regulations to ensure that they comply with federal and state requirements pertaining to the education of homeless children and youth;
- 3) Collaborating with community-based or public agencies to provide uniformity within and among neighboring districts;
- 4) Contacting the previous school for records and assistance with placement decisions; and

(Continued)

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- 5) Expeditiously following up on any special education referrals or services and language assistance services.

Educational Programs and Services

The School District shall 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 shall be educated as part of the school's regular academic program. Services must 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/limited English proficiency, Head Start, Even Start, and school nutrition. Services provided with McKinney-Vento funds must expand upon or improve services provided as part of the regular school program.

All homeless children and youth are automatically eligible for Title I Part A services whether or not 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 schoolwide and targeted-assistance school programs.

Dispute Resolution

The School District shall establish procedures, in accordance with the McKinney-Vento Act, for the prompt resolution of disputes regarding school selection or enrollment of the homeless child or youth. The District shall provide a written explanation, including a statement regarding the right to appeal as enumerated in the McKinney-Vento Act, to the homeless child or youth's parent or guardian if the School District sends such child or youth to a school other than the school of origin or school requested by the parent or guardian.

Pursuant to the McKinney-Vento Act, if a dispute arises over school selection or enrollment in a school:

- 1) The child or youth shall be immediately admitted to the school in which enrollment is sought, pending the resolution of the dispute;
- 2) The parent or guardian of the child or youth shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;

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- 3) The student will remain enrolled until a final determination is made by the District and for a minimum of thirty (30) days after the final determination to allow the parent/guardian opportunity to appeal to the Commissioner of Education. If the student files an appeal that contains a request for a stay within thirty (30) days of such final determination, the District must continue to enroll the student until the Commissioner rules on the stay request.
- 4) The child, youth, parent, or guardian shall be referred to the District liaison who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
- 5) In the case of an unaccompanied youth, the District liaison shall ensure that the youth is immediately enrolled in the school pending resolution of the dispute.

Duties of the District Liaison

The District liaison for homeless children and youth shall ensure that:

- 1) Homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
- 2) Homeless children and youths enroll in, and have full and equal opportunity to succeed in schools in the District;
- 3) Homeless families, children, and youths receive educational services for which they are eligible, including Head Start and Even Start programs and preschool programs administered by the District; and referrals to health care services, dental services, mental health services, and other appropriate services;
- 4) The parents or guardian of homeless children and youths 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;
- 5) Public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services pursuant to the McKinney-Vento Act, such as in schools, family shelters, and soup kitchens;
- 6) Enrollment disputes are mediated in accordance with the requirements of the McKinney-Vento Act, as well as other applicable laws and regulations;

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- 7) The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, pursuant to law and/or regulation; and is assisted in accessing transportation to the school that is selected;
- 8) In the case of an unaccompanied youth, assistance is provided in placement or enrollment decisions including coordination with the Committee on Special Education. The views of the unaccompanied youth will be considered and he/she will be provided notice of the right to appeal pursuant to law and regulation.

The School District shall inform school personnel, service providers and advocates working with homeless families of the duties of the District liaison.

Coordination

The School District shall coordinate:

- 1) The provision of services as enumerated in the McKinney-Vento Homeless Education Assistance Act 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;
- 2) With other school districts on interdistrict issues, such as transportation or transfer of school records; and
- 3) Implementation with the requirements of the IDEA.

Reporting

The School District shall collect and transmit to the Commissioner of Education, at such time and in the 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 youths within the state.