

## Policy Information

### Series 6000 - Students

#### Education of Homeless Children and Youth

Policy # 6570, 5.7

## POLICY

2005 6570

Students

#### **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 BOCES in the case of an unaccompanied youth; or 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, 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.

The term "homeless child" shall no 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 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 correction facilities or youth shelters; or children residing in child care institutions or schools for the deaf or blind would not be considered "homeless."

### **Enrollment, Retention and Participation in the Educational Program**

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

- a. Transportation;
- b. Immunization requirements;
- c. Residency requirements;
- d. Birth certificates, medical records, IEPs, school records and other documentation;
- e. Guardianship issues;
- 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 BOCES 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 as part of the regular school program. Consequently, the BOCES 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 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 BOCES 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 BOCES.

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.

### **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 providing the student's transportation. However the school district of origin is responsible for the cost of transportation provided by the designated district. Transportation responsibilities apply to all school districts regardless of whether or not they receive McKinney-Vento funds. Where a homeless student designates the school district of origin, the district of current location, at the request of a parent/ guardian shall provide or arrange for transportation to and from the

school of origin in accordance with law and/or regulation even if the district does not provide transportation to non-homeless students (except for preschoolers). 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.

### **School District Liaison for Homeless Children and Youth**

The BOCES 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. The BOCES will inform school personnel, local service providers and advocates of the office and duties of the local homeless liaison.

### **Training**

The BOCES will train all school enrollment staff, secretaries, school counselors, school social workers, and principals on the legal requirements for enrollment. School nutrition staff, school nurses, teachers, and bus drivers will receive training on homelessness that is specific to their field.

### **Outreach**

The BOCES 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)/guardian(s) will be assisted in assessing 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 BOCES 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).

### **Dispute Resolution**

The BOCES shall establish guidelines for the prompt resolution of disputes regarding school selection or enrollment of a homeless student and provide a written explanation, including a statement regarding the right to appeal to the parent or guardian if the School District sends the student to a school other than the school of origin or the school requested by the parent or guardian.

If there is a factual dispute over whether a student is homeless, the District and/or BOCES will immediately enroll the student and then provide the parent/guardian the opportunity to submit verification of homelessness. The students will remain enrolled until a final determination is made by the BOCES 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 to stay within thirty (30) days of such final determination, the BOCES must continue to enroll the student until the Commissioner rules on the stay request.

### **Record and Reporting Requirements**

If the BOCES, 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.

The BOCES shall 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 BOCES 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.

McKinney-Vento Homeless Education Assistant Act as  
authorized by the No Child Left Behind Act of 2001  
42 United States Code (USC) Section 11431 at seq.  
Education Law Section 3209  
8 New York Code of Rules and Regulations (NYCRR) Section 100.2(x)

Board Approved  
6/15/05

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