

HOMELESS CHILDREN

The Board of Education recognizes its responsibility to identify homeless children within the District, encourage their enrollment and eliminate existing barriers to their education 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, 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 awaiting foster care placement; or is a migratory child who qualifies as homeless. An unaccompanied youth is a homeless child for whom no parent or person in parental relation is available.

A homeless child has the right to attend school in either the school district of origin (i.e., where he/she resided before becoming homeless, or the school he/she was last enrolled), the school 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 district participating in a regional placement plan. The homeless child is entitled to attend the designated school district on a tuition-free basis for the duration of his or her homelessness. If the child becomes permanently housed, the child is entitled to continue 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.

Admission: Each school in the District shall 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.

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, 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. School placement decisions for homeless children will be based on the "best interest of the child." Unless doing so is contrary to the wishes of the child's parent or guardian, to the extent possible, a homeless child will continue to attend the school of origin (the school the child attended when he or she became homeless).

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.

Transportation: Unless the homeless child is entitled to transportation provided by the Department of Social Services or Office of Children and Family Services, the District shall provide transportation services to the child in accordance with applicable law. However, the District will 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 child.

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, to the designated school district. 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.

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.

Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information under FERPA (see policy 5500).

Liaison: The Board of Education shall also designate a liaison for homeless children at its annual organizational meeting. The Superintendent shall ensure that this person is aware of his/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 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 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.

Dispute Resolution Process: If, after the Superintendent reviews the designation form, he/she finds 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 homeless 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 homeless liaison, the Superintendent makes a final determination that a student is not homeless, or not entitled to enrollment or transportation, he/she 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 will:

- 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);
- 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 homeless liaison;
- 5) inform the student's parent or guardian or the student, if the student is an unaccompanied youth, that in accordance with Commissioner's Regulation 100.2(x)(7)(iii)(c) the District's homeless 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 makes a final determination and for a minimum of 30 days after the determination to give the student's parent or guardian or unaccompanied youth the opportunity to appeal to the Commissioner. 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.

In accordance with the 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. The Superintendent of Schools shall develop procedures to expedite the homeless child's access to the designated school in accordance with law and this policy.

Ref: 42 USC §§11431, et seq.
 School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg. 10,697-10,701
 (March 8, 2002)
 Education Law §§207; 305; 3202; 3205; 3209

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

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