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Sample Local Educational Agency (“LEA”) Education of Homeless Children Policy

IDENTIFICATION OF HOMELESS STUDENTS

It will be the policy of this local educational agency (“LEA”) to determine whether there are homeless students within the LEA by contacting our local department of social services http://www.health.state.ny.us/health_care/medicaid/ldss.htm, the local runaway and homeless youth shelter http://www.ocfs.state.ny.us/main/youth/runaway_homeless_services.pdf and any other shelters located in the LEA. It is understood that not all homeless students can be identified through agencies as they may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. For this reason, the LEA will have an enrollment form that asks for a description of the current living arrangements of the child or youth in order to determine whether the child or youth meets the definition of a homeless child under the McKinney-Vento Homeless Education Assistance Act (42 USC § 11 434a[2]) (“McKinney-Vento”) and New York Education Law §3209(1)(a). A sample enrollment form may be found at the following website: <http://www.serve.org/nche/forum/enrollment.php>

DEFINITION OF HOMELESS CHILD AND UNACCOMPANIED YOUTH

Pursuant to McKinney- Vento 42 USC § 1 1434a[2] and Education Law §3209(1)(a), a homeless child is defined as a child who does not have a fixed, regular, and adequate nighttime residence or whose primary nighttime location is in a public or private shelter designated to provide temporary living accommodations, or a place not designed for, or ordinarily used as regular sleeping accommodations for human beings. This definition includes a child who is:

- sharing the housing of other persons due to loss of housing, economic hardship or similar reason (sometimes referred to as double-up);
- living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- living in a car, park, public space, abandoned building, substandard housing, bus or train stations or similar settings;
- abandoned in hospitals;
- awaiting foster care placement; or
- a migratory child who qualifies as homeless because he or she is living in circumstances described above
- An unaccompanied youth is a homeless child for whom no parent or person in parental relation is available (8 NYCRR §100.2[x][l][vi]).

DUTIES OF THE MANDATED LOCAL LIAISON FOR HOMELESS CHILDREN AND YOUTH

Every LEA, regardless of whether it receives a McKinney-Vento subgrant, is required to designate a local liaison for homeless children and youth (“homeless liaison”). The homeless liaison at this LEA serves as one of the primary contacts between homeless families and school staff, district personnel, shelter workers, and other service providers. The homeless liaison

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coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed academically.

This LEA understands that its homeless liaison must ensure that:

- Homeless children and youth are identified by school coordination activities with other entities and agencies;
- Homeless students enroll in, and have full and equal opportunity to succeed in, the schools of the LEA;
- Homeless children and youth and their families receive educational services for which they are eligible, including Head Start, Even Start, and preschool programs administered by the LEA, and referrals to health, mental health, dental, and other appropriate services;
- Parents or guardians of homeless children and youth are informed of educational and related opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;
- Parents and guardians and unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing transportation services;
- Enrollment disputes are mediated in accordance with McKinney-Vento; and
- Public notice of the educational rights of homeless students is disseminated to locations where they receive services under McKinney-Vento.

THE DESIGNATOR HAS RIGHT TO CHOOSE THE SCHOOL DISTRICT THE HOMELESS CHILD OR YOUTH WILL ATTEND

LEA understands that the “designator” decides which school district a homeless child or youth will attend. A designator is:

- the parent or person in parental relation (guardian) to a homeless child; or
- the homeless child, together with the homeless liaison designated by the school district if no parent or guardian is available (unaccompanied youth); or
- the director of a residential program for runaway and homeless youth, in consultation with the homeless child, where such homeless child is living in such program.

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

- **School district of current location** – the public school district within the State of New York 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;
- **School district of origin** - the public school district within the State of New York 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 or the last school enrolled;
- **School district participating in a regional placement plan** - a regional placement plan is a comprehensive regional approach to the provision of educational placements for homeless children, which must be approved by the Commissioner of Education.

The homeless child is entitled to attend the schools of the designated school district on a tuition-

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free basis for the duration of his or her homelessness. If the child becomes permanently housed, the child is entitled to continue 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.

DESIGNATION/STAC 202 FORM

This LEA understands that the designation must be made on STAC 202 forms available at www.oms.nysed.gov/stac/.

- The appropriate designator must complete the designation form. All school districts, temporary housing facilities operated or approved by a local social services district, and residential facilities for runaway and homeless youth must make designation forms available to a homeless child who seeks admission to school or to the parent or person in parental relation who seeks to enroll such child in school.
- Where the homeless child is located in a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth, the director of the facility or a person designated by the social services district, must, within two business days of entry into such facilities, assist the designator to ensure that the form is properly completed and assist the child, where necessary, to enroll in the designated school district.
- Where a parent or person in parental relation to a child who is neither placed in a temporary housing facility by the local department of social services nor housed in a residential program for runaway homeless youth designates the school district of current location, the school district must forward to the Department a completed designation form and a statement of the basis for its determination that the child is a homeless child entitled to attend the schools of the district.

LEA'S DUTIES UPON RECEIPT OF THE DESIGNATION/STAC 202 FORM

- Upon receipt of a STAC 202 form, the designated school district must immediately review the designation form to assure that it has been completed and 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;
- Provide the child with access to all of its programs, activities and services to the same extent as they are provided to resident students;
- Immediately contact the school district where the child's records are located in order to obtain a copy of such records;
- If the child or youth needs to obtain immunizations or immunization or medical records, the school admitting such child or youth must immediately refer the parent or guardian of the homeless child or youth to the homeless liaison who must assist in obtaining necessary immunizations or immunization or medical records;
- Forward the STAC 202 form to the Commissioner, and the school district of origin, where applicable.

LEA'S DUTIES UPON RECEIPT OF A REQUEST FOR RECORDS

- Within five days of receipt of a request for school records in a manner consistent with state and federal law, a complete copy of the homeless child's records, including, but

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not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

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 a homeless child will attend and such homeless child's school district of origin is within York State, the school district providing instruction will be 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 form prescribed by the Commissioner.

TRANSPORTATION RESPONSIBILITIES

- A social services district is responsible for providing transportation to homeless children who are eligible for benefits under Social Services Law section 350-j and placed in temporary housing arrangements outside their designated districts.
- Office of Children and Family Services ("OCFS") must provide transportation for each homeless child who lives in a residential program for runaway youth and homeless youth located outside of the designated school district.
- The social services district or OCFS may contract with a school district or board of cooperative educational services ("BOCES") to provide such transportation.
- Any homeless child not entitled to receive transportation Social Services or OCFS must be transported by the designated school district.
- When the school district of the current location is designated as the school district the homeless child will attend, that school district must provide transportation to the homeless child on the same basis as it is provided to resident students.
- If the homeless child attends the school district of origin or a school district participating in a regional placement plan, then that school district must provide transportation to and from the homeless child's temporary housing and school.
- Homeless children are entitled to transportation even if a school district does not provide transportation to non-homeless students and during any disputes regarding school selection and enrollment.
- A designated school district that must provide transportation to a homeless child may not provide transportation in excess of 50 miles one way, unless the Commissioner determines that it is in the best interest of the child.

TRANSPORTATION EXPENSES

- A school district may receive State aid to offset expenditures incurred by the school district for the transportation of homeless children under certain circumstances.
- OCFS must provide transportation for each homeless child who lives in a residential program for runaway youth and homeless youth located outside of the designated school. The costs for transportation will be reimbursed by the Department with the submission of

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a Runaway and Homeless Youth Act Transportation Program Form, which is available from the Homeless Education Program Office (518-473-0295).

DISPUTE RESOLUTION PROCESS

This school district has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless child or youth:

- Provide a written explanation, including a statement regarding the right to appeal to the homeless child's or youth's parent or guardian, if the school district declines to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian.
- Delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the homeless child or youth or unaccompanied youth to the school of origin or a school requested by the parent or guardian of a homeless child or youth or unaccompanied youth; if the parent or guardian of a homeless child or youth or unaccompanied youth commences an appeal to the Commissioner with a stay application within 30 days of such final determination.
- The homeless child or youth will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal until the Commissioner renders a decision on the stay application.
- If the Commissioner grants the stay request and issues a stay order, the homeless child or youth or unaccompanied youth can continue attending the school until the Commissioner issues an appeal decision. However, if the Commissioner denies the stay request, the homeless child or youth or unaccompanied youth can be asked to leave the school immediately.
- If the Commissioner sustains the appeal, the homeless child or youth or unaccompanied youth can continue attending the school at issue. However, if the Commissioner dismisses the appeal, the homeless child or youth or unaccompanied youth can be asked to leave the school immediately.

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

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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.
- 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

- Each school district must coordinate the provision of services provided 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.
- Each school 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

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they live in a Title I school attendance area or meet the academic requirements required of other children.

- LEAs 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.
- An LEA 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.
- If an LEA states that there are no homeless children or unaccompanied youth in non-Title I schools, the LEA 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 LEA 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

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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. A sample enrollment form may be found at the website:

<http://www.serve.org/nche/forum/enrollment.php>

REPORTING

Each school 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.

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NOTE TO SCHOOLS/LEAS: Please assist students and families fill out this form. Do not simply include this form in the registration packet because **if** the student qualifies as residing in temporary housing, the student is not required to submit proof of residency and other required documents that may be part of the registration packet.

MODEL ENROLLMENT FORM - RESIDENCY QUESTIONNAIRE

Name of LEA: _____

Name of School: _____

Name of Student: _____

	Last		First	Middle
Gender: Male	Date of Birth: ____/____/____	Grade: ____	ID#: _____	
Female	<i>Month Day Year</i>	<i>(preschool-12)</i>	<i>(optional)</i>	

Address: _____

Phone: _____

The answer you give below will help the district determine what services you or your child may be able to receive under the McKinney-Vento Act. Students who are protected under the McKinney-Vento Act are entitled to immediate enrollment in school even if they don't have the documents normally needed, such

as proof of residency, school records, immunization records, or birth certificate. Students who are protected under the McKinney-Vento Act may also be entitled to free transportation and other services.

Where is the student currently living? (*Please check **one** box.*)

In a shelter

With another family or other person because of loss of housing or as a result of economic hardship (sometimes referred to as "doubled-up")

In a hotel/motel

In a car, park, bus, train, or campsite

Other temporary living situation (Please describe):

In permanent housing

Print name of Parent, Guardian, or
Student (for unaccompanied homeless youth)

Signature of Parent, Guardian, or
Student (for unaccompanied homeless youth)

Date

If the student is **NOT living in permanent housing, proof of residency** and other documents normally needed **for enrollment are not required and** the student **is** to be immediately enrolled. The district's LEA liaison is required to assist the student in obtaining any necessary documents, including immunization or school records after the student has been enrolled.

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INSTRUCTIONS FOR COMPLETING THE ENROLLMENT FORM RESIDENCY QUESTIONNAIRE

Purpose of the Enrollment Form - Residency Questionnaire

All LEAs are required to identify students experiencing homelessness. Additionally, all LEAs that receive Title I funds must ask enrolling students about their housing status. SED encourages all LEAs regardless of whether they receive Title I funds to do the same. To collect this information, LEAs may:

1. Use the Model Enrollment Form - Residency Questionnaire attached here,
2. Update/modify the Model Enrollment Form - Residency Questionnaire to address the needs of the LEA, or
3. Incorporate the housing status question from the Model Enrollment Form - Residency Questionnaire into the LEA's Enrollment Form or other documents already used by the LEA during the enrollment process.

If an LEA elects the third option and incorporates the housing status question into the LEA's Enrollment Form, the LEA should take steps to ensure that a student's housing status does not become a part of the student's permanent record, because of the sensitive nature of this information. Please see the section titled "Confidentiality" (below) for information about how and when housing information may be shared within the LEA.

Who should fill out the Enrollment Form - Residency Questionnaire?

A Enrollment Form - Residency Questionnaire should be filled out for all students enrolling in school and for all students who have a change of address in grades preschool-12. Preschool includes any LEA program for 3-5 year olds, such as pre-k, Head Start, or Even Start. The Form - Questionnaire should be completed by the student's parent, person in parental relation, or in the case of an unaccompanied youth, by the student directly.

Confidentiality

Student housing information should be kept confidential to the maximum extent possible. This information should only be shared with LEA/school staff members who need information about housing status to ensure that the student's educational needs are met. To this end, LEAs may share a student's completed Enrollment Form -Residency Questionnaire with LEA personnel such as:

1. the LEA liaison,
2. the registrar,
3. the student's teachers, and/or guidance counselor, and
4. the LEA staff member responsible for reporting data to SED

However, this information should only be shared with **the above staff members to the extent that it will enable them to better meet the educational needs of the student in question and to fulfill reporting requirements** mandated by SED.

Other than the above uses, housing information should be kept confidential and generally should not be shared with other LEA/school personnel due to its sensitive nature and the stigma attached to being labeled homeless. LEAs are also encouraged to seek out ways of preventing Enrollment Form -Residency Questionnaires and housing information from becoming a part of a student's permanent record.

Discussing the Enrollment Form -Residency Questionnaire with Students and Families

In reviewing the Enrollment Form -Residency Questionnaire with parents, persons in parental relation, and unaccompanied youth, LEAs should emphasize that the purpose of gathering the information is to ensure that students in temporary housing arrangements are provided with the rights and services to which they are entitled under the McKinney-Vento Act. These rights and services include:

1. The right to stay in the same school the student had been attending before losing his/her housing or the last school attended (both known as the school of origin),
2. The right to immediate enrollment for students who decide to transfer schools, even if the student does not have all of the documents normally for enrollment,
3. Transportation services if the student continues to attend the school of origin,
4. Categorical eligibility for Title I services if offered in the LEA,
5. Categorical eligibility for free meals if offered in the LEA, and
6. Access to services provided with McKinney-Vento funds if available in the LEA.

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The LEA should also ensure that the parent, person in parental relation, unaccompanied youth is aware that the student's housing status will be kept confidential and will only be shared with those LEA staff responsible for providing services to the student and those responsible for keeping track of how many students are identified as living in temporary housing in the LEA.

LEAs are advised to explain to parents that if a parent claims that his/her child is living in temporary housing, and the LEA wishes to conduct an investigation to verify this information, the LEA may conduct a home visit. However, LEAs **cannot contact a landlord or building superintendent** to verify a student's housing status. Contacting a landlord or building superintendent may be a violation of FERPA, a federal law, and may put the family at risk of losing its housing. If the student is living in a doubled up situation, it may also lead to loss of housing for the primary tenants.

If the Parent, Person in Parental Relation, or Unaccompanied Youth Declines to Fill Out the Enrollment Form Residency Questionnaire

If the parent, person in parental relation, or unaccompanied youth declines to complete the Enrollment Form – Residency Questionnaire, the LEA should note on the form that the parent, person in parental relation, or unaccompanied youth declined to provide the information requested.

Completing the Form

If a parent, person in parental relation, or unaccompanied youth enrolling in school indicates that a student is living in one of the five temporary housing arrangements, the school may not require proof to verify where the student is living before enrolling the student. The five temporary housing arrangements are listed below:

1. In a shelter,
2. With another family or other person (sometimes referred to as “doubled-up”),
3. In a hotel/motel,
4. In a car, park, bus, train, or campsite, or
5. Other temporary living situation.

After the student is enrolled and attending classes, the school or LEA is permitted to verify the student's housing arrangements. However, the student must first be enrolled in school. Again, LEAs cannot contact a landlord or **building superintendent to verify** a student's housing status. (See above for more information.)

Definitions of Temporary Housing Arrangements

“With another family or other person” (also referred to as “doubled-up”)

LEAs should be aware that students who are sharing the housing of others are eligible for services under the McKinney-Vento Act and State law, if sharing housing is due to loss of housing, economic hardship, or a similar reason.

“Other temporary living situation”

In addition to the four examples of temporary housing, students who lack a “fixed, adequate, and regular” nighttime residence are also covered as homeless under the McKinney-Vento Act and State law. This may include unaccompanied youth who have fled their homes or were forced to leave their homes and who do not otherwise meet the definition of “doubled-up.”

“In permanent housing”

Permanent housing means that the student's living arrangements are “fixed, regular, and adequate.”

Next Steps for LEAs with Students Living in Temporary Housing Arrangements

If the parent, person in parental relation, or unaccompanied youth indicates that a student is living in temporary housing, the LEA must complete a Designation Form. If the LEA believes additional information is needed before reaching a final decision on the student's eligibility under McKinney-Vento, enrollment should not be delayed and a Designation Form should still be filled out. For more information about determining eligibility see the National Center on Homeless Education's Determining Eligibility Brief, available at:

www.serve.org/nche/downloads/briefs/det_elig.pdf

If a student who is identified as homeless was last permanently housed in a different school district, the district of attendance/local district will be eligible for tuition reimbursement from SED for the cost of educating the student.

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School districts should complete a STAC-202 form if eligible for tuition reimbursement. For more information about STAC-202 forms contact the STAC Office at 518-474-7116 or NYS-TEACHS at 800-388-2014.
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