

**EDUCATION OF STUDENTS IN TEMPORARY HOUSING****IDENTIFICATION OF STUDENTS IN TEMPORARY HOUSING**

Under the federal McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act of 2015 (ESSA) and Education Law Section §3209, as amended in 2017, the North Colonie Central School District (the “District”) is obligated to affirmatively identify all students in temporary housing. Therefore, it is the policy of the District to determine whether there are students in temporary housing within the District by using a housing questionnaire to determine the nighttime residence of all newly enrolled students and all students whose address changes during the school year. Not all students in temporary housing can be identified through social service agencies or shelters, as children 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 District uses a housing questionnaire 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 U.S.C. § 11434A(2)) (“McKinney-Vento”) and Education Law § 3209(1)(a).

In addition to using the housing questionnaire, the District will also contact its local department of social services to identify students in temporary housing, as well as any shelters located within the District’s boundaries to ensure all students in temporary housing are properly identified and served.

**DEFINITION OF HOMELESS CHILD AND UNACCOMPANIED YOUTH**

Pursuant to McKinney-Vento 42 USC § 11434A(2), Education Law § 3209(1)(a), and 8 NYCRR § 100.2(x)(1)(iii) a homeless child is defined as:

- (1) a child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who is:
  - (i) sharing the housing of other persons due to loss of housing, economic hardship or similar reason (sometimes referred to as “doubled-up”);
  - (ii) living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
  - (iii) abandoned in hospitals; or
  - (iv) a migratory child as defined in subsection two of section thirteen hundred nine of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, who qualifies as homeless under any of the provisions of clauses (i) through (iii) of this subparagraph or subparagraph two of this paragraph;
  - (v) an unaccompanied youth, as defined in section seven hundred twenty-five of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act; or
- (2) a child or youth who has a primary nighttime location that is:
  - (i) 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 nineteen-H of the executive law; or
- (ii) 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 stations or similar setting.

An unaccompanied youth is defined as a homeless youth who is not in the physical custody of a parent or guardian. *42 USC § 11434A(6); 8 NYCRR §100.2(x)(1)(iii)(6)*

### **DUTIES OF THE MANDATED MCKINNEY-VENTO LIAISON**

The District is required to designate a local liaison for homeless children and youth (known as the “McKinney-Vento liaison”). The McKinney-Vento liaison for the District serves as one of the primary contacts between families experiencing homelessness and school staff, district personnel, shelter workers, and other service providers. The McKinney-Vento liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed.

The District’s McKinney-Vento liaison must ensure that:

1. Students in temporary housing are identified by school personnel and through coordination activities with other entities and agencies;
2. Students in temporary housing enroll in, and have full and equal opportunity to succeed in, the schools of the District;
3. Students in temporary housing and their families receive educational services for which they are eligible, including Head Start programs administered by a local education agency, Early Head Start, early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq), and other preschool programs administered by the District, if any.
4. Students and parents in temporary housing receive referrals to health care services, dental services, mental health and substance abuse services, housing services and other appropriate services;
5. Parents or guardians of students in temporary housing 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;
6. Parents and guardians of students in temporary housing, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school district of origin and are assisted in accessing transportation services;
7. Disputes regarding eligibility, school selection, enrollment and/or transportation are mediated in accordance with the requirements of McKinney-Vento, Section 3209 of the Education Law, and Section 100.2(x)(7)(ii) of the Regulations of the Commissioner of Education;
8. Assistance in commencing an appeal pursuant to Education Law §310 of a final determination regarding eligibility, enrollment, school selection and/or transportation is provided to the students in temporary housing’s parent or guardian or the unaccompanied youth in accordance with the provisions of 8 NYCRR §100.2(x)(7)(iii)(c);
9. Public notice of the educational rights of students in temporary housing is posted in locations where such students receive services, such as schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and

- guardians of students in temporary housing, and unaccompanied youth; A record is maintained of all appeals of enrollment, school selection and transportation; and
10. School personnel providing services to students in temporary housing receive professional development and other support; and
  11. Unaccompanied youths—
    - a. are enrolled in school;
    - b. have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including receiving credit for full or partial coursework earned in a prior school pursuant to Commissioner’s regulations, and
    - c. are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).
  12. School personnel, service providers, advocates working with students in temporary housing, parents and guardians of students in temporary housing, and students in temporary housing are informed of the duties of the McKinney-Vento liaison.

*42 USC §11432(g)(6)(A)-(B); 8 NYCRR §100.2(x)(7)(iii)(a)*

### **SCHOOL OF ORIGIN**

School of origin is:

- The public school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool or a charter school;
- The designated receiving school at the next grade level for all feeder schools for a student in temporary housing who completes the final grade level served by the school of origin; and
- The public school or preschool in which such child would have been entitled or eligible to attend based on such child’s last residence before the circumstances arose which caused such child to become homeless if the child becomes homeless after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or if the child is living with a school-age sibling who attends school in the school district of origin.

*42 USC §11432(g)(3)(G); NY Education Law §3209(1)(i)*

Feeder school means:

- a preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool; or
- 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 such school; or
- a school that sends its students to a receiving school in a neighboring school district.

*NY Education Law §3209(1)(f)*

Receiving school means:

- a school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

- a school that enrolls students from a feeder school in a neighboring local educational agency.

*NY Education Law §3209(1)(h)*

Preschool means a publicly funded prekindergarten program or a Head Start program administered by the District and/or services under the Individuals with Disabilities Education Act administered by the District. *NY Education Law §3209(1)(g)*

### **SCHOOL AND SCHOOL DISTRICT DESIGNATIONS**

The District understands that the “designator” makes an initial decision about which school and school district a student in temporary housing will attend. A designator is:

- the parent or person in parental relation (guardian) to a student in temporary housing; or
- the student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or
- the director of a residential program for runaway and homeless youth, in consultation with the student in temporary housing, where such student is living in such program.

*See, NY Education Law §3209(1)(b); 8 NYCRR §100.2(x)(1)(i)*

The District will ask the designator to designate one of the following as the school district of attendance:

- **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 student in temporary housing or the residential program for runaway and homeless youth is located, which is different than the school district of origin.
- **School district of origin** - the public school district within the State of New York in which the student in temporary housing was attending a public school on a tuition-free basis or was entitled to attend when circumstances arose that caused such child to become homeless which is different from the school district of current location. The school district of origin also includes the school district in the state of New York in which the child was residing when circumstances arose which caused such child to become homeless if such child was eligible to apply, register, or enroll in public preschool or kindergarten at the time such child became homeless, or the homeless child has a sibling who attends a school in the school district in which the child was residing when circumstances arose which caused such child to become homeless.
- **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 District will also ask the designator to designate one of the following as the school where a student in temporary housing seeks to attend:

- the school of origin; or
- any school that permanently housed children and youth who live in the attendance area in which the child or youth is actually living are eligible to attend, including a preschool.

**Please note:** Students can maintain enrollment in the school of origin for the duration of homelessness and through the end of the school year in which the student becomes permanently housed. The student may be able to remain in the school of origin for one additional year, if the year constitutes the student’s terminal year in such school building.

**DESIGNATION/STAC 202 FORM**

The District will identify all students in temporary housing, and a designation form will be completed by the designator for all such students and any other student who claims homelessness. Designations must be made on the STAC 202 form provided by the Commissioner.

- The appropriate designator must complete the designation form. The District makes designation forms available to a student in temporary housing who seeks admission to school or to the parent or person in parental relation who seeks to enroll such child in school.
- Where a parent or person in parental relation or 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 District as the school district of current location, the District will forward to the State Education 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.

*NY Education Law §3209(2)(e); 8 NYCRR §100.2(x)(3)*

**UPON RECEIPT OF THE DESIGNATION/STAC 202 FORM: IMMEDIATE ENROLLMENT AND BEST INTEREST DETERMINATIONS**

Upon identification of a child who is in temporary housing and/or receipt of a completed designation form, the District will:

- immediately review the designation form to assure that it has been completed and admit the student in temporary housing even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation and even if the child or youth has missed application deadlines;
- determine whether the designation made by the designator is consistent with the best interests of the student in temporary housing. In making best interests decisions the District will:
  - presume that keeping the child in the school of origin is in the child’s best interest, except when doing so is contrary to the wishes of the parent or guardian (or youth in the case of an unaccompanied youth); and
  - consider student-centered factors such as the effect of mobility on student achievement, education, health, and safety of the child, giving priority to the wishes of the child’s parent or guardian (or the youth, if a homeless unaccompanied youth). If the District determines that it is in the best interest of the student in temporary housing to attend a school other than the school of origin or the designated school, the District shall provide the parent or guardian (or youth, if an unaccompanied youth) with a written explanation of its determination, including information about the right to appeal. (*See Dispute Resolution Process*).

*42 USC §11432(g)(3)(B); NY Education Law §3209(2)(f)(3); 8 NYCRR § 100.2(x)(7)(ii).*

- provide the child with access to all of the District’s 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 and coordinate the transmittal of records for students with disabilities pursuant to section 200.4(e)(8)(iii) of the Commissioner’s regulations;
- immediately refer the parent or guardian of the student in temporary housing to the McKinney-Vento liaison who must assist in obtaining necessary immunizations or immunization or medical records if the child or youth needs to obtain immunizations or immunization or medical records;
- forward the STAC 202 form to the Commissioner and the school district of origin, where applicable. In all cases, the District will give a copy of the completed STAC 202 to the designator and keep a copy of the STAC 202 form for the District’s records.

*42 USC §§11432(g)(3)(C)&(g)(4); NY Education Law §3209(2); 8 NYCRR §100.2(x)(4)*

### **UPON RECEIPT OF A REQUEST FOR RECORDS**

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with state and federal law, a complete copy of the student in temporary housing’s records, including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable. *NY Education Law §3209(2)(g); 8 NYCRR §100.2(x)(5)*

### **TUITION REIMBURSEMENT**

The District is eligible to request reimbursement from the State Education Department for the direct costs of educational services to students in temporary housing that are not otherwise reimbursed under special federal programs, when:

- the district is either the school district of current location or a school district participating in a regional placement plan,
- the district is designated as the school district of attendance, and
- the school district of origin for the student in temporary housing is within New York State.

All claims for reimbursement will be made on the STAC 202 form prescribed by the Commissioner of the State Education Department. *NY Education Law §3209(3)(a)*

In addition, the District is eligible for reimbursement for the direct costs of educational services, including transportation costs for students who continue enrollment in the District’s schools after finding permanent housing midyear in a different school district within New York State. In such cases, the District will directly bill the new district where the student permanently resides for all direct costs of educational services, including transportation, that are not otherwise reimbursed under special federal programs. *NY Education Law §3209(4)(i)*.

### **TRANSPORTATION RESPONSIBILITIES**

- A social services district is responsible for providing transportation to students in temporary housing, including preschool students and students with disabilities who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts. Where the social services district requests

that the District provide or arrange for transportation for a student in temporary housing in the circumstances above, the District shall provide or arrange for the transportation and directly bill the social services district so that the district will be fully and promptly reimbursed for the cost of the transportation. *NY Education Law §3209(4)(a)*

- If the District is the designated school district of attendance, the District shall provide for the transportation of each student in temporary housing who is living in a residential program for runaway and homeless youth, including if such temporary housing is located outside the school district. The costs for transportation for each student in temporary housing who lives in a residential program for runaway youth and homeless youth located outside of the designated school district will be reimbursed by the State Education Department, to the extent funds are provided for such purpose, with the submission of a Runaway and Homeless Youth Act Transportation Program Form. Where the District provides transportation for a student living in a Runaway and Homeless Youth (“RHY”) facility, the district will promptly request reimbursement using the Runaway and Homeless Youth Act Transportation Form, which is available from the Homeless Education Program Office.
- The District will transport any student in temporary housing to their school of origin, including preschools and charter schools, where it is the designated district of attendance and the student in temporary housing is not entitled to receive transportation from the Department of Social Services. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(iv)*
- When the District is designated as the school district of current location for a student in temporary housing and the student does not attend the school of origin, the District will provide transportation on the same basis as it is provided to resident students, unless the local transportation policy represents a barrier to the student’s attendance in school. *NY Education Law §§3209(4)(d) & (6)(b); 8 NYCRR §100.2(x)(6)(iii)*
- If the student in temporary housing designates the District as the school district of attendance, transportation will not exceed 50 miles each way, unless the Commissioner of the State Education Department determines that it is in the best interest of the child. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(ii)*
- Where the District is designated as the school district of attendance and it has recommended the student in temporary housing attend a summer educational program, such district of attendance will provide transportation services to students in temporary housing for summer educational programs if the lack of transportation poses a barrier to the student’s participation in the program. *NY Education Law §3209(4)(e); 8 NYCRR §100.2(x)(6)(v)*
- Where the District is designated as the school district of attendance, it will provide transportation services to students in temporary housing for extracurricular or academic activities when:
  - The student participates in or would like to participate in an extracurricular or academic activity, including an after-school activity, at the school; and
  - The student meets the eligibility criteria for the activity; and
  - The lack of transportation poses a barrier to the student’s participation in the activity. *NY Education Law §3209(4)(f); 8 NYCRR §100.2(x)(6)(vi)*

- Where the District is designated as the school district of attendance, it will provide transportation as described above for the duration of homelessness, unless the social services district is responsible for providing transportation. After the student becomes permanently housed, the District will provide transportation to the school of origin until the end of the school year and for one additional year if that year constitutes the child's terminal year in the school building. *NY Education Law §3209(4)(i); 8 NYCRR §100.2(x)(6)(iv)*
- Where a student in temporary housing must cross state-lines to attend a school of origin, the District will coordinate with the local educational agency in the neighboring state to provide transportation services when:
  - The student is temporarily living in New York State and continues to attend school in a neighboring state; or,
  - The student is temporarily living in a neighboring state and continues to attend school in New York State.

*NY Education Law §§3209(4)(g)-(h)*

### **DISPUTE RESOLUTION PROCESS**

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

- The District will provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of a student in temporary housing, or to an unaccompanied youth if the District determines that the District is not required to either enroll and/or transport such child or youth to the school of origin or a school requested by the parent or guardian or unaccompanied youth, or if there is a disagreement about a child's or youth's status as a homeless child or unaccompanied youth. The written explanation will be in a manner and form understandable to such parent, guardian, or unaccompanied youth and will include a statement regarding the McKinney-Vento liaison's availability to help the parent, guardian, or unaccompanied youth with any appeal and the contact information for the liaison.
- The District will immediately enroll the student in the school in which enrollment is sought by the parent or guardian or unaccompanied youth, provide transportation to the school, and will delay for 30 days the implementation of a final determination to decline to either enroll in and/or transport the student in temporary housing to the school of origin or a school requested by the parent or guardian or unaccompanied youth.
- If the parent or guardian of a student in temporary housing or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the student will be permitted to continue to attend the school he or she is enrolled in at the time of the appeal and/or receive transportation to that school pending the resolution of all available appeals.

*42 USC §§11432(g)(3)(B) & (E); NY Education Law §3209(5); 8 NYCRR §100.2(x)(7)(ii)*

### **MCKINNEY-VENTO LIAISON'S DISPUTE RESOLUTION RESPONSIBILITIES**

The District's McKinney-Vento liaison must assist the student in temporary housing'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. In the event of a dispute regarding eligibility, enrollment, school selection, and/or transportation, the District's McKinney-Vento liaison will:

- provide the parent or guardian or unaccompanied youth with a copy of the form petition;
- assist the parent or guardian or unaccompanied youth in completing the form petition;
- 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;
- accept service of the form petition and supporting papers on behalf of any school district employee or officer named as a party or the school district if it is named as a party or arrange for service by mail by mailing the form petition and supporting documents to any school district employee or officer named as a party and, if the school district is named as a party, to a person in the office of the superintendent who has been designated by the board of education to accept service on behalf of the school district;
- provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that the McKinney-Vento 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;
- 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;
- provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that the McKinney-Vento 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;
- 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. The liaison must also make such correspondence available to the parent or guardian or unaccompanied youth; and
- maintain a record of all appeals of enrollment, school selection, and transportation determinations.

*42 USC §11432(g)(3)(E)(iii); 8 NYCRR §100.2(x)(7)(iii)(c)*

### **COORDINATION**

- The District will coordinate the provision of services described above with local social services agencies, housing providers and other agencies or programs providing services to

students in temporary housing and their families, including services and programs funded under the Runaway and Homeless Youth Act.

- The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.
- The District will coordinate implementation of the above provision of services with the requirements of the Individuals with Disabilities Education Act (IDEA) for students with disabilities.

*42 USC §11432(g)(5); 8 NYCRR §100.2(x)(7)(iv)*

### **COORDINATION WITH TITLE I**

The District acknowledges that students in temporary housing are eligible for services under Title I, Part A, whether or not they live in a Title I school attendance area or meet the academic requirements required of other children. The District will ensure that:

- Title I, Part A funds are set aside as are necessary to provide students in temporary housing, who may have unique needs that differ from their permanently housed peers, with educationally related support services;
- Its local plan includes a description of how the plan is coordinated with McKinney-Vento;
- Its local plan describes the services provided to students in temporary housing;
- Its local plan describes the efforts it made to identify students in temporary housing, including unaccompanied youth, if the District reports that there are no students in temporary housing enrolled in the District. Such efforts will include contacting the local department of social services or Office of Children and Family Services (OCFS) to verify that there are no students in temporary housing in the District; and
- Its housing questionnaire asks about 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 loss of housing or economic hardship; in an abandoned apartment/building; in a motel/hotel, camping ground, car, train/bus station or other similar situation due to the lack of alternative, adequate housing. Documentation of the District's efforts to identify students in temporary housing will be maintained on file and a copy of the housing questionnaire that asks the above questions will also be kept on file.

*20 USC §§6312(b)(6) & 6313(c)(3)*

### **REPORTING**

The District will collect and transmit to the Commissioner, at such time and in such manner as the Commissioner may require, reports containing such information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence. *NY Education Law §3209(6)(c); 8 NYCRR §100.2(x)(7)(v)*

### **ACCESS TO FREE MEALS**

The District will provide free meals to all children identified as homeless. They do not have to complete a free or reduced-price meal application. When the McKinney-Vento liaison or a shelter director provides a child's name to the District's school food service office, free school meals will commence immediately. *42 USC §1758(b)(5) &(b)(12)(A)*

### **REMOVAL OF BARRIERS**

The District will review and revise local policies that may act as barriers to the identification of students in temporary housing and their enrollment and retention in school, including barriers to enrollment and retention due to outstanding fees or fines, or absences. *42 USC §§11432(g)(1)(I)&(g)(7)(A); NY Education Law §3209(6)(b)*

### **COMPARABLE SERVICES**

The District will provide services to students in temporary housing comparable to those offered to other students in the district, including transportation services; educational services for which the child or youth meets the relevant eligibility criteria, such as services provided under Title I or similar State or local programs; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs. *42 USC §11432(g)(4); NY Education Law §3209(9)*

### **PRIVACY OF STUDENT INFORMATION**

Information about a student in temporary housing's living situation shall be treated as a student education record and shall not be deemed to be directory information under the Family Educational Rights and Privacy Act (FERPA). A parent/guardian or homeless unaccompanied youth may consent to the release of a student's address information in the same way they would for other student education records under FERPA.

Questions about this policy or the protections available to students in temporary housing can be directed to the McKinney-Vento Liaison: Director of Pupil Services, 518-785-8591. Questions can also be directed to NYS-TEACHS at (800) 388-2014 or the State Education Department at (518) 473-0295.

Policy Adopted: March 2, 2020