

HOMELESS CHILDREN REGULATION

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 immediately be provided to any homeless child or parent or guardian who seeks to enroll a child in school. The district's McKinney-Vento liaison for homeless students shall assist the homeless child and/or parent or guardian in understanding their rights under the law and provide them with information regarding the educational and related opportunities available to them.

School placement decisions for homeless children will be based on the "best interest of the child" and shall:

1. 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 unaccompanied youth; and
2. 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 unaccompanied youth.

If the district determines that it is in the best interest of the student to attend a school other than the school of origin or a school requested by the parent or guardian, the Superintendent or designee shall provide the parent or guardian or unaccompanied youth with a written explanation of its decision, together with a statement regarding the right to appeal the placement process. The Superintendent or designee shall refer any such dispute to the district's McKinney-Vento liaison for the homeless for resolution. The student must be enrolled in the school sought by the parent or guardian or unaccompanied youth and provided with requested transportation pending resolution of the dispute, including all available appeals.

Admission Procedures

Upon identifying a student experiencing homelessness, the Superintendent of Schools or designee shall immediately:

1. ensure that a designation form is given to the parent or guardian or unaccompanied youth and review the designation form to ensure that it is complete;
2. admit the homeless child even if the child or his/her parent or guardian is unable to produce records normally required for enrollment or there is an unresolved dispute regarding eligibility, school selection or enrollment;
3. where applicable, make a written request to the school district where a copy of the child's records are located for a copy of the homeless child's school records;
4. notify the McKinney-Vento liaison of the child's admission. The liaison shall:
 - a. notify the child and/or the parent or guardian of the educational and related

opportunities available to homeless children including transportation to school of origin, and help arrange for transportation and other services such as those under Title I, Section 504, IDEA, and federal school meals;

b. ensure that the child receives the educational services for which they are eligible, including Head Start, Early Head Start, early intervention services, and preschool programs administered by the district;

c. make necessary referrals to health care services, dental services, mental health services, substance abuse services, housing services, and other appropriate services;

d. ensure that any enrollment disputes are mediated promptly and in accordance with law;

e. when assisting unaccompanied youth in placement or enrollment decisions, give priority to the views of such youth, and inform them of their status as “independent students” for purposes of applying federal financial aid for college and assist with that process; and

f. assist in obtaining required immunizations, health screenings, immunization records or health records.

The Superintendent or designee shall forward a copy of the designation form to the Commissioner of Education and the school district of origin where applicable.

Unless the homeless child is receiving transportation provided by the Division for Youth or the Department of Social Services, the district shall provide transportation services to the child in accordance with applicable law. Where the district is designated by the parent/guardian or unaccompanied youth, and the student attends the school of origin as defined in law described in the accompanying policy (including a publicly funded preschool administered by the district or the State Education Department), the district shall provide transportation, even if transportation is not generally provided to permanently housed students and the student is residing outside the district’s boundaries. A designated school district that must provide transportation to a homeless child is not required to 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.

Transportation must be provided to the school of origin when the district receives notice of a child’s homeless status, for the duration of the student’s homelessness, as well as during the pendency of any disputes. Transportation must be provided to the receiving school as defined in Education Law §3209(1)(h) if the student is homeless over multiple school years. If a child becomes permanently housed during the school year, the student has the right to transportation services to the school of origin until the end of the academic year, as well as one additional year if it is the student’s final grade level or terminal year in the building.

If the district recommends that a homeless child attend a summer educational program, and lack of transportation is a barrier to participation, the district shall provide

transportation. The district shall provide transportation to extracurricular or school activities for homeless students eligible for such activities where lack of transportation is a barrier to participation.

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 McKinney-Vento liaison to assist in dispute resolution process.
2. Contact the student and parent (if applicable) 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 McKinney-Vento 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 unaccompanied youth, with written notice that the student is not entitled to their request. This written notice must also:

1. State the rationale for the district's determination;
2. State the date as of which the student will be excluded from the district's schools (or transportation), which shall be at least 30 days from receipt of the written notice;
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 McKinney-Vento liaison;
5. Inform the student's parent or guardian or the student, if the student is unaccompanied youth, that the district's McKinney-Vento liaison is required to assist him/her in filing 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 provides written notice of its final determination and for a minimum of 30 days after receipt of 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.

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