

**CHILDREN & FAMILIES IN TRANSITION
UNDER THE McKINNEY-VENTO ACT**

The Board of Education recognizes its responsibility under federal and state law to identify children in temporary housing within the District, encourage their enrollment and eliminate barriers that may exist in District practices in terms of the identification, enrollment, attendance or success of these children in school. The Board will provide children in temporary housing who are attending the District's schools with access to the same free and appropriate public education and other school programs and activities that are available to all other children, including publicly funded preschool education, magnet schools, summer school, career and technical education, advanced placement, online courses, programs for gifted and talented children, before- and after-school programs, extracurricular activities, and charter schools. Children in temporary housing will also receive the same access to services as other students with disabilities and students who are English language learners, based on their need and eligibility for these services.

Children in temporary housing will have the same opportunity as other children to enroll in and succeed in the District's schools, and cannot be placed in separate schools or programs based on their housing status. The District shall eliminate barriers to identification, enrollment and retention of children in temporary housing, including barriers to enrollment and retention due to outstanding fees, fines or absences.

The District will administer the NYS Housing Questionnaire (see Exhibit 5110E-1) to all newly enrolled students to ascertain their current living arrangements and at such time as the District is made aware of a change in a student's living status or address. The District will also collaborate with local Fair Housing agencies and other community organizations to identify children in temporary housing in need of education under the McKinney-Vento Homeless Education Assistance Act and New York Education Law.

Definitions:

1. Child in temporary housing: 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 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, abandoned building, substandard housing, bus or train station or similar setting;
- has been abandoned in a hospital; or
- is a migratory child who qualifies as homeless.

Children in foster care are not covered under the McKinney-Vento Act, but children who have been placed with relatives by Child Protective Services are covered under this Act.

2. Unaccompanied youth: a child in temporary housing who is not in the physical custody of a parent or guardian.
3. School of origin: a publicly funded preschool, or public preschool, kindergarten or school that is administered by the District and that the child in temporary housing:
 - Attended before becoming homeless; or
 - Was last enrolled; or
 - Was eligible to apply, register, or enroll in when they became homeless; or
 - Would have been eligible to attend based on their last permanent address, if the child has a school-aged sibling attending a school in the District; or
 - The designated receiving school for any feeder school in which the child has completed the final grade.

The definition of “school of origin” includes publicly-funded preschools administered by the District or the State Education Department.

Rights of Children in Temporary Housing:

A child in temporary housing has the right to attend: 1) the child’s school of origin; or 2) any school in the attendance area in which the child is currently living that permanently housed students in that area are eligible to attend. This includes publicly funded preschools administered by the District or the State Education Department.

A child in temporary housing is entitled to attend the designated school on a tuition-free basis for the duration of the child’s homelessness. If permanent housing is secured for the child, the child is entitled to continue attending the same school until the end of the school year. If the child will be entering the final grade in the school in the following school year, the child must be allowed to continue attending that school for that additional year. If a homeless child completes the final grade level in their school of origin, the child may also attend the designated receiving school at the next grade level for all feeder schools. These provisions include publicly funded preschools administered by the District or the State Education Department.

School District Selection for Children in Temporary Housing:

The parent/guardian or unaccompanied youth who is homeless have the right to choose to attend a school in the district in which they are temporarily housed, or in which the school of origin is located.

In the event of a dispute regarding enrollment in the school district that has been selected, the parent/guardian or unaccompanied youth has the right to appeal. Pending resolution of all appeals by the NYS Education Commissioner, children in temporary housing shall be enrolled in the selected school district and provided transportation and all other services for which they are eligible.

School Selection and Placement for Children in Temporary Housing:

The District shall immediately enroll children in temporary housing in their school of origin, unless their parent/guardian or an unaccompanied youth requests a different school. School

selection for a child in temporary housing must be determined by considering the child's best interests, including the impact of mobility on the achievement, education, health and safety of the child. Placement in an RCSD school attended by the child's sibling shall also be considered in determining the child's best interests.

If neither the school of origin nor the school requested by the parent/guardian or unaccompanied youth are determined to be in the best interest of the child, the District must provide a written explanation of the reasons for this determination to the parent/guardian or unaccompanied youth in a manner and form that is understandable to them. The written explanation must include information regarding the right to appeal the District's decision.

In the event of a dispute regarding school selection and to the extent that seats are available, the child is entitled to attend the school in which enrollment is sought by their parent/guardian or by the unaccompanied youth and to receive transportation services to this school until final resolution of the dispute, including all available appeals.

The Superintendent shall establish procedures for resolving disputes regarding school selection for homeless students, including a process for the parent/guardian or unaccompanied youth to appeal the District's decision.

If a homeless child seeks enrollment in a charter school or PreK program for which the lottery application deadline has passed but the lottery has not yet been held, the child must be entered into the lottery. If the lottery has been held, the child is to be placed first on the wait list for the selected school or program.

Procedures to Expedite Admission to School and Coordination of Services:

The Superintendent of Schools shall develop procedures necessary to expedite the access of a child in temporary housing to the designated school, including resolution of disputes regarding school selection and coordination of services necessary to support the child's continued education. Such procedures shall include:

1. Admission: Upon designation, the District shall immediately admit the homeless child to school, even if application or enrollment deadlines have elapsed or the records normally required for enrollment cannot be obtained, 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. However, the District may temporarily exclude a child from attendance if there are actual symptoms of a communicable disease that pose a significant risk of transmission to others.
2. Educational Services: The District shall ensure that the child is provided with educational services for which they are eligible, including services provided under Title I of the Elementary and Secondary Education Act of 1965, services for students with disabilities, and programs for English-language learners.
3. School Counseling Services: The District will provide counseling services to students in temporary housing to provide guidance and improve their readiness for college.
4. School Nutrition Programs: Homeless students shall participate in the District Food Services program free of charge.

5. Transportation: The District shall provide transportation for students in temporary housing within three days of registering to attend a District school, as required by applicable law and described in the accompanying regulation (5110-R).

In general, the District shall ensure that transportation is provided to students in temporary housing who are enrolled in the District and attend a school of origin, even if the student lives outside of the District's boundaries within a fifty-mile radius. Transportation shall be provided for the duration of homelessness, through the remainder of the school year in which the student becomes permanently housed, and one additional year if that will be the student's final year in the school. These provisions apply to children in temporary housing attending publicly funded preschool administered by the District or the State Education Department.

Transportation must also be provided to homeless students during any dispute regarding eligibility, school selection, or enrollment pending final resolution of the dispute, including all appeals.

6. School Records:

- a. For students in temporary housing who are attending school outside of the District: within five days of receipt of a request for records from such school, the District shall forward a complete copy of the homeless child's records, including proof of age, academic records, evaluation, immunization records and guardianship paper, if applicable.
- b. For students in temporary housing who are attending a school in the District: upon enrollment, the District shall request the student's records (academic, medical, etc.) from the school the student last attended.

Information about a homeless child's living situation shall be treated as a student education record and shall **not be** deemed student directory information under the federal *Family Educational Rights and Privacy Act* (FERPA). (Please refer to *Student Records and Privacy* policy 5500 for further information).

7. Coordination: The District shall coordinate provision of services to children in temporary housing with local social service agencies and other entities serving these children and their families. In addition, the District will collaborate with other school districts regarding issues of prompt identification, transportation, transfer of records, and other inter-district activities. This shall include ensuring the provision and coordination of appropriate services to students in temporary housing who have disabilities and are eligible for services under either Section 504 or IDEA.
8. Review and Remediation of Barriers to Identification or School Enrollment of Children in Temporary Housing: The District shall establish a process for reviewing, addressing and ameliorating barriers to identifying homeless children and to their enrollment and attendance in school.

A portion of the District's Title I, Part A funds shall be set aside for children in temporary housing to provide educationally related support services and services not ordinarily provided to other students.

School District Liaison for Children in Temporary Housing:

The Superintendent shall also designate a liaison for homeless children and ensure that this person is aware of and able to carry out their responsibilities under the law. The Superintendent shall ensure that the liaison receives appropriate professional development in 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 children 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;
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 children in temporary housing are promptly mediated and resolved;
4. Children in temporary housing are identified by school staff through outreach and coordination with shelters, social service agencies, and other community organizations – including preschool children in temporary housing;
5. Children in temporary housing have access to and receive educational services for which they are eligible, including Head Start, early intervention services through the Individuals with Disabilities Education Act (IDEA), and other preschool programs administered by the District.
6. Children in temporary housing and their families are referred to health care, dental care, mental health, substance abuse, housing services, homeless assistance programs funded by the federal Department of Housing and Urban Development, and other services to address their needs;
7. Public notice of the educational rights of children in temporary housing is disseminated in locations frequented by unaccompanied youth and by parents/guardians of these children, in a manner and form understandable to them;
8. School staff receive required professional development and support in identifying and meeting the needs of students in temporary housing;
9. Unaccompanied youth in temporary housing are informed of their rights, 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, in accordance with the regulations established by the NYS Education Commissioner;
10. Unaccompanied youth in temporary housing are informed of their status as independent students under the federal Higher Education Act of 1965 and that assistance may be obtained from the liaison to verify their status for the Free Application for Federal Student Aid under this Act.

In accordance with law and regulation, the District will offer a prompt dispute resolution process (described in more detail in the accompanying administrative regulation 5110-R). A student shall be entitled to continued enrollment in the District's schools and transportation services, pending resolution of a dispute and all available appeals.

The District shall collect and transmit to the New York State Education Commissioner the information established by regulation as necessary to assess the educational needs of children in temporary housing in the State.

Cross References: Children & Families in Transition under the McKinney-Vento Act Regulation (5110-R)
NYS Housing Questionnaire (5110E-1)
NYS STAC Form (5110E-2)
RCSD Dispute Form (5110E-3)
Student Records and Privacy policy (5500)
Wellness policy (5405)

Ref: 20 USC §6313(c)
20 USC §1087vv
20 USC §1090
42 USC §§11431 et seq.
42 USC §11432
42 USC §11434
McKinney-Vento Education for Homeless Children and Youth Program, 81 Fed. Reg. 14432-14436 (3/17/16)
U.S. Department of Education, Education for Homeless Children and Youth Program, Non-Regulatory Guidance (7/27/16)
<https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>

NYS Education Law §§207; 305; 3202; 3205; 3209
NYS Executive Law §§532-b; 532-e
NYS Social Services Law §§17; 62; 397
8 NYCRR §§100.2(x); 175.6

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