

HOMELESS CHILDREN

The Board of Education recognizes its responsibility under federal (McKinney-Vento) and state laws and regulations 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 that homeless children attending the district's schools access to the same free and appropriate public education, including preschool education, 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 district of origin (i.e., where he/she resided before becoming homeless), the district of current location, or a 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.

The Superintendent of Schools shall develop procedures necessary to expedite the homeless child's access to the designated school. Such procedures shall include:

Admission

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 records, proof of residency or other documentation and even if there is a dispute with the child's parents regarding school selection or enrollment. 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, nor will enrollment in the district be discontinued due to their status as homeless. If an enrolled student becomes homeless at any time, the same accommodations and considerations will apply.

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.

Transportation

The district shall provide transportation for homeless students currently residing within the district as required by applicable law.

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The district will provide 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.

If the East Ramapo Central School District is the designated school district of attendance, the East Ramapo Central School 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.

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.

When the East Ramapo Central School 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 East Ramapo Central School 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.

If the student in temporary housing designates the East Ramapo Central School 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.

Where the East Ramapo Central School 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.

Where the East Ramapo Central School 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.

Where the East Ramapo Central District is designated as the school district of attendance, the district will provide transportation as described above for the duration of homelessness, unless

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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.

Where a student in temporary housing must cross state-lines to attend a school of origin, the district will coordinate with the LEA 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.

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.

Assignments, activities, and services offered by the district that condition participation on a seat time minimum requirement will have an exemption for students who have missed school for reasons related to their homelessness.

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

Awarding Full or Partial Credit

The district has clear procedures in place to ensure that homeless students receive appropriate credit for full or partial coursework satisfactorily completed while attending a prior school. Procedures include awarding credits for all courses satisfactorily completed at a prior school even if the school was in a different district or State, consulting with a student's prior school about the student's coursework at that school, informally or formally evaluating students' current mastery of courses partly completed in a prior school, awarding partial credits, and offering credit recovery courses.

The district will:

- Work to keep students in their schools of origin so they can avoid the challenges associated with school change;
- Provide support to enable students to attend school consistently and progress academically;
- Award students partial credit for work completed;
- Complement regular classes with independent study programs, including learning labs, on-line learning, and computerized models;
- Connect with after school networks, provide mentors to enhance a student's ability to make work up, allow after-school time to count toward classroom credit;
- Use Multi-tiered Systems of Support, Positive Behavioral Interventions and Supports, or Response to Intervention teams to identify if students are struggling due to issues

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- related to mobility and homelessness or if there are other needs that must be addressed in order for the students to demonstrate progress academically; and
- Work with family courts and district personnel to create or improve diversion programs or alternative education programs.

Enrollment Dispute Resolution

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.

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, district's McKinney-Vento liaison will provide the parent or guardian or unaccompanied youth with a copy of the form petition. The McKinney-Vento Liaison will also:

- 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;

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- 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.

Cross Reference:

5150 School Admissions and Compulsory Attendance Ages
5420 Student Health Services
5500 Student Records

References:

McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. § 11431, et seq. (as amended December 2015)
School Enrollment Guidelines on the McKinney-Vento Act, Federal Guidelines, 81 FR 86076, Updated August 2018
NYS Education Law §§ 3202; 3205; 3209 (as updated April 20, 2017)
Executive Law §§ 532-b; 532-e
Social Services Law §§ 17; 62; 397
8 NYCRR §§ 100.2(x); 175.6; 275.16; 310; & 3209(5)

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