

### Education of Students in Temporary Housing

The Board recognizes the unique challenges that face students in temporary housing and will provide these students with access to the same free, appropriate public education, including public preschool education, as other children and youth and access to educational and other services necessary to be successful in school and will ensure that they are not separated from the mainstream school environment. The Board is also committed to eliminating barriers to the identification, enrollment, attendance, or success of homeless students.

As defined in the Commissioner's Regulations, a "homeless child" is defined as:

1. A child or youth who lacks a fixed, regular and adequate nighttime residence, including a child who is:
  - a. sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason;
  - b. living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
  - c. abandoned in hospitals; or
  - d. 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;
  - e. 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:
  - a. 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 in accordance with Executive Law Article 19-H; or
  - b. 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 station or similar setting.

An "unaccompanied youth" means a homeless youth not in the physical custody of a parent or legal guardian. This term does not include a child or youth who is residing with someone other than a parent or legal guardian for the sole reason of taking advantage of the schools of the district.

A designator will decide which school district a student in temporary housing will attend. A designator is:

- a) the parent or person in parental relation (guardian) to a student in temporary housing; or
- b) the student in temporary housing, together with the McKinney-Vento liaison, in the case of an unaccompanied youth; or
- c) 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.

The designator may select either the school district of current location, the school district of origin or a school district participating in a regional placement plan as the district the homeless child will attend. However, the designated school district must determine whether the designation made by the parent, guardian, or youth in the case of an unaccompanied youth, is consistent with the best interest of the child by considering certain student-centered factors, such as the effect of mobility on student achievement, education, health and safety for the child giving while giving priority to the wishes of the child's parent or guardian (or the youth if a homeless unaccompanied youth). A homeless child is entitled to attend the school district of origin for the duration of his or her homelessness and also through the remainder of the school year in which he or she

locates permanent housing. 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.

The term "school district of origin" includes preschool and feeder schools as defined by applicable law.

#### Enrollment, Retention, and Participation in the Educational Program

The district will immediately enroll children and youth who are homeless even if the child missed any relevant application or enrollment deadlines during any period of homelessness. The ability of a homeless child or youth to continue or participate in the educational program will similarly not be restricted due to issues such as:

- a) transportation;
- b) immunization requirements;
- c) residency requirements;
- d) birth certificates, medical records, individualized education programs (IEPs), school records and other documentation;
- e) guardianship issues;
- f) comprehensive assessment and advocacy referral processes;
- g) resolution of disputes regarding school selection;
- h) proof of social security numbers;
- i) attendance requirements;
- j) sports participation rules;
- k) inability to pay fees associated with extracurricular activities such as club dues and sports uniforms; or
- l) other enrollment issues.

#### Educational Programs and 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. Consequently, the district will ensure that students in temporary housing are not segregated in a separate school or in a separate program within the school based on their status as homeless and to the extent feasible consistent with the requirements of Commissioner's Regulations keep a homeless child or youth in the school of origin except when doing so is contrary to the wishes of the child's or youth's parent or guardian. Further, the district will review and revise policies and practices, including transportation guidelines as well as those related to outstanding fees, fines or absences that may act as barriers to the enrollment, attendance, school success and retention of students in temporary housing in the district.

#### Transportation

- 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 Chenango Valley Central School District (CVCSD) provide or arrange for transportation for a student in temporary housing in the circumstances above, CVCSD 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 CVCSD is the designated school district of attendance, CVCSD 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 CVCSD 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.

- CVCSD 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 CVCSD 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, CVCSD 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 CVCSD 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 CVCSD 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 CVCSD 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 CVCSD 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, CVCSD 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 CVCSD 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.

#### District Liaison for McKinney-Vento

The district will designate an appropriate staff person who may also be a coordinator for other federal programs as the local educational agency liaison for McKinney-Vento at the annual reorganization meeting of the Board of Education. The McKinney-Vento liaison will carry out the duties as described in law, Commissioner’s Regulations and applicable guidance issued by the U.S. and New York State Education Departments. The district will inform school personnel, local service providers and advocates of the office and duties of the local McKinney-Vento liaison.

#### Training

All school enrollment staff, school counselors, school social workers and principals will be trained on the requirements for enrollment of homeless students. Other staff members including school nutrition staff, school registered professional nurses, teachers and bus drivers will receive training on awareness of school processes specific to their role.

### Outreach

The district will make every effort to inform the parents or guardians of students in temporary housing of the education, transportation and related opportunities available to their children including transportation to the school of origin. The parent(s) or guardian(s) will be assisted in accessing transportation to the school they select and will be provided with meaningful opportunities to participate in the education of their children. Public notice of educational rights of students in temporary housing will be disseminated by the district in places where families and youth are likely to be present (e.g., schools, shelters, soup kitchens) and in comprehensible formats (e.g., geared for low literacy or other community needs).

### Dispute Resolution

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

- CVCSD 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 CVCSD determines that the CVCSD 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.
- CVCSD 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.

### Record and Reporting Requirements

If the district as the school district of origin receives a request to forward student records to a receiving district, the records must be forwarded within five days of receipt of the request.

The district will maintain documentation regarding all aspects of the district's contact with and services provided to homeless students and youth for possible on-site monitoring by the State Education Department.

The district will collect and transmit to the Commissioner of Education at such time and in the manner as the Commissioner may require, a report containing information as the Commissioner determines is necessary to assess the educational needs of homeless children and youths within the state.

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.

McKinney-Vento Homeless Education Assistance Act, as reauthorized by the Every Student Succeeds Act (ESSA), 42 USC § 11431 et seq.

Education Law §§ 3209

Executive Law Article 19-H

8 NYCRR § 100.2(x)