

**Mayfield Central School District Policy on the Education of Homeless,
Temporarily housed and Unaccompanied Youth**

IDENTIFICATION OF HOMELESS, TEMPORARILY HOUSED AND UNACCOMPANIED YOUTH

It will be the policy of Mayfield Central School to determine homelessness, temporarily housed and/or unaccompanied youth, within the Local Educational Agency (LEA) by providing a confidential residency questionnaire within the district's enrollment packet. It is understood that not all homeless students can be identified through agencies as they may be sharing the housing of other persons, such as family or friends, due to loss of housing, economic hardship, or other similar reason. All students who will enroll within the district as well as students who wish to change address will verify housing through the residency questionnaire. The local department of social services, the local runaway and homeless youth shelter and any other shelters located in the LEA may be contacted if necessary.

The residency questionnaire asks for a description of the current living arrangements of the youth and family in order to determine whether the child or family meets the definition of a homelessness, temporarily housed or unaccompanied youth under the McKinney-Vento Homeless Education Assistance Act (42 USC §11434a[2]) ("McKinney-Vento") and New York Education Law §3209(1)(a). The use of an enrollment form/residency questionnaire is a requirement of all Title I schools (see "Coordination with Title I") A sample enrollment form/residency questionnaire may be found at the following website: <http://www.nysteachs.org/info-forms/nysed/>.

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)(i) a homeless child is defined as:

- (1) a child 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 a 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 who qualifies as homeless because he or she is living in circumstances described above; or
 - (v) an unaccompanied youth is defined as a homeless youth who is not in the physical custody of a parent or guardian.
- (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; 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 spaces, abandoned buildings, substandard housing, bus or train stations or similar settings. *42 USC § 11434a(6); 8 NYCRR §100.2(x)(1)(vi)*

DESIGNATION AND SCHOOL SELECTION

This LEA understands that the parent and/or guardian of the child or the unaccompanied youth decides which school district the child or youth will attend. Thereafter, the school district must decide whether the designation is in the best interest of the child and must presume that keeping the child in the same school (school of origin) is in the child's best interest unless the parent disagrees.

- **Designator.**

The term "designator" shall mean:

- (1) the parent or person in parental relation to a homeless child; or
- (2) the homeless child, if no parent or person in parental relation is available; or
- (3) the director of a residential program for runaway and homeless youth established pursuant to article nineteen-H of the executive law, in consultation with the homeless child, where such homeless child is living in such program.

The parent or guardian of the child has the right to designate one of the following as the district of attendance within which a homeless, temporarily housed or unaccompanied youth shall be entitled to attend upon instruction:

- **School district of current location** - the public/charter school district within the State of New York in which the hotel, motel, shelter or other temporary housing arrangement of the youth, or the residential program for runaway and homeless youth is located;
- **School district of origin** - the public/charter school district within the State of New York in which the homeless/temporarily housed youth was attending before the youth became homeless, unaccompanied or doubled up. If the school district of origin is designated, the homeless child is entitled to return to the school building where previously enrolled;
 - **School district of origin**
The McKinney-Vento Act defines school of origin as “the school attended when the student was last permanently housed or the school where the student was last enrolled.” The school of origin includes preschool and receiving schools. *42 USC §11432(g)(3)(G)*
- **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. It currently exists only in Westchester County.

Please note: students who have designated the district of current location and move to another temporary housing location outside of such district or to a different attendance zone may continue the prior designation to enable the student to remain in the same school building. *42 USC §11432(g)(3)(A); NY Education Law §§3209(1)(c)-(e) & (2); 8 NYCRR §100.2 (x)(1)(iii)-(v) & (2)*

DESIGNATION/STAC 202 FORM

This LEA understands it must identify all students who are homeless and that a designation form must be completed for all such students and any other student who identifies as homeless, temporarily housed or unaccompanied. Designations must be

made on STAC 202 forms available at http://www.nysteachs.org/media/INF_SED_STAC202_Form.pdf.

- All school districts, temporary housing facilities operated or approved by a local social services district, and residential facilities for runaway and homeless youth must make STAC 202 designation forms available to homeless/temporarily housed or unaccompanied youth who seek admission to school or to the parent or person in parental relation who seeks to enroll such child in school.
- Where the homeless child is located in a temporary housing facility operated or approved by a local social services district or a residential facility for runaway and homeless youth, the director of the facility or a person designated by the social services district, must, within two business days of the child's or family's entry into such facilities, assist the designator to ensure that the form is properly completed and assist the child, where necessary, to enroll in the designated school district.
- Where a parent or person in parental relation to 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 school district of current location, the school district of current location must forward to the New York State Education Department (the "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)(d); 8 NYCRR §100.2(x)(3)*

RESPONSIBILITIES OF LOCAL EDUCATIONAL AGENCY(LEA)

Upon identification of a child who is homeless and/or receipt of a completed STAC 202 designation form, the designated school district must:

- Immediately enroll child even if the youth, parent or guardian is unable to produce records normally required for enrollment, such as previous academic records, medical records, immunization records, proof of residency or other documentation;
- All children identified as homeless, temporarily housed and/or unaccompanied youth are eligible for free meals if offered in the district. They do not have to complete an application. When a homeless liaison or a shelter director provides a child's name to the local school food service office, free school meals should commence immediately. *42 USC §1758(b)(12)(A)*
- Within five days of receipt of a request for school records, the LEA must forward, in a manner consistent with state and federal law, a complete copy of the homeless child'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)(f); 8 NYCRR §100.2(x)(5)*
- Provide the child with access to all of its programs, activities, transportation 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;
- Assists the child or youth in obtaining immunizations or immunization or medical records, the district liaison of school admitting such child or youth must assist the parent or guardian of a homeless child or youth in obtaining necessary 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 must give a copy of the completed STAC 202 to the designator and keep a copy of the STAC 202 form for the LEA's records. *42 USC §11432(g)(3)(C)&(g)(4); NY Education Law §3209(2)&(2-a); 8 NYCRR §100.2(x)(3)&(4)*
- Awarding of full or partial credit for completed coursework: LEA's must remove barriers that prevent homeless, temporarily housed and/or unaccompanied youth from receiving appropriate full or partial credit for coursework completed while attending a prior school.
- Eliminate barriers related to outstanding fees, fines or absences: LEA's must review and revise policies to remove barriers to identification, enrollment and retention of children and youth who are homeless, including barriers to enrollment and retention due to outstanding fees or fine or absences.
- Improve college readiness: LEA's must provide youth who are homeless with assistance from counselor to advise such youth and improve their readiness for college.
- Coordinate Special Education services: LEA's must coordinate special education services for students protected under the McKinney-Vento Act and the Individual with Disabilities Education Act.
- Improve the Identification of children and youth experiencing homelessness: LEA's must review and revise policies that may act as barriers to the identification of children and youth experiencing homelessness and give special attention to ensure the identification of children and youth experiencing homelessness who are not currently attending school.
- Privacy of information regarding students who identify as homeless, temporarily housed and/or unaccompanied youth. Information about a student's living situation under McKinney-Vento may not be treated as directory information. LEA's may not disclose this information to a third party without the consent of the parent.
- Extend inter-state arrangements; such as where a child is temporarily housed in a contiguous state and maintains enrollment in a New York school district, or where a child is temporarily housed in New York and maintains enrollment in a school located in a contiguous state. In such circumstances, the New York school district must collaborate with the out-of-state school district to arrange transportation consistent with federal law requirements.

TRANSPORTATION RESPONSIBILITIES

- A social services district is responsible for providing transportation to homeless, temporarily housed and/or unaccompanied youth who are eligible for benefits under Social Services Law §350-j and placed in temporary housing arrangements outside their designated districts.
- To the extent funds are provided for such purpose, the Office of Children and Family Services ("OCFS") must provide transportation for each homeless child who lives in a residential program for runaway youth and homeless youth located outside of the designated school district. The social services district or OCFS may contract with a school district or board of cooperative educational services ("BOCES") to provide such transportation. The costs for transportation will be reimbursed by the Department of Social Services.

- Any homeless, temporarily housed and/or unaccompanied youth not entitled to receive transportation from the Department of Social Services or OCFS must be transported by the child's district of attendance; within 50 miles one way. *NY Education Law §3209(4); 8 NYCRR §100.2(x)(6)*
- When the school district of the current location is designated as the school district of attendance the homeless child will attend, the district of attendance must provide transportation, within 50 miles one way, to the homeless child on the same basis as it is provided to resident students. *NY Education Law §3209(4)(d); 8 NYCRR §100.2(x)(6)(iii)*
- If the homeless, temporarily housed and/or unaccompanied youth designates the school district of origin or a school district participating in a regional placement plan, then that school district must provide transportation to and from the homeless child's temporary housing and school. Such transportation cannot exceed 50 miles one way, unless the Commissioner determines that it is in the best interest of the child. *NY Education Law §3209(4)(c); 8 NYCRR §100.2(x)(6)(ii)*
- Homeless, temporarily housed and/or unaccompanied youth are entitled to transportation during the duration of disputes regarding school selection and enrollment. *8 NYCRR §100.2(x)(7)(ii)(c)*

RESPONSIBILITIES OF DESIGNATED DISTRICT MCKINNEY-VENTO LIAISON FOR HOMELESS, TEMPORARILY HOUSED AND UNACCOMPANIED YOUTH

Every LEA, regardless of whether it receives a McKinney-Vento subgrant, is required to designate a district liaison for homeless children and youth ("McKinney-Vento liaison"). The liaison at this LEA serves as the primary contact between homeless families and school staff, district personnel, shelter workers, and other service providers. The district liaison coordinates services to ensure that homeless, temporarily housed and unaccompanied youth enroll in school and have the opportunity to participate in school sponsored activities and succeed academically without barriers.

This LEA understands that its district liaison must ensure:

- Homeless, temporarily housed and unaccompanied youth are identified by school personnel and through outreach and coordination activities with other entities and agencies;
- Homeless, temporarily housed and unaccompanied youth, enroll and have full and equal opportunity to participate and succeed in the schools of the LEA;
- Homeless, temporarily housed and unaccompanied youth, and their families have access to and receive educational services for which such families, children and youths are eligible, including services through Head Start, Early Headstart, early intervention services under Part C of the IDEA and other preschool programs administered by the LEA;
- Homeless, temporarily housed and unaccompanied youth and their families receive referrals to health care services, mental health, dental health, substance abuse and housing services;
- Homeless, temporarily housed and unaccompanied youth, and their families are informed of educational and extracurricular opportunities available to their children, and are provided with meaningful opportunities to participate in the education of their children;

- Homeless, temporarily housed and unaccompanied youth, and their families are fully informed of all transportation services, including transportation to and from the school district of attendance, and are assisted in accessing transportation services;
- Enrollment disputes are mediated in accordance with the requirements of McKinney-Vento, including where if a dispute arises over eligibility, school selection, or enrollment in a school the child shall be enrolled;
- Assistance in commencing an appeal pursuant to Education Law §310 of a final determination regarding enrollment, school selection and/or transportation is provided to the homeless child's or youth's parent or guardian or unaccompanied youth in accordance with the provisions of 8 NYCRR §100.2(x)(7)(iii);
- Public notice of the educational rights of homeless, temporarily housed and unaccompanied youth is disseminated in location frequented by parents or guardian of such youth, and unaccompanied homeless youth, including schools, shelters, public libraries and soup kitchens in a manner and form that is understandable;
- In the case of unaccompanied youth, ensuring that such youths are enrolled, have opportunities to meet the same challenging State academic standards as the State establishes for their children and youths and are informed of their status as independent student under section 480 of the Higher Education Act of 1965 and their right to receive verification of this status from the LEA McKinney Vento Liaison.
- A record is maintained of all appeals of enrollment, school selection and transportation;
- School personnel providing services under McKinney Vento receive professional development, as well as are updated on district liaison responsibilities.
- The district liaison must maintain a record of all appeals of enrollment, school selection and transportation determinations. The district liaison must also keep a record of all homeless, temporarily housed and/or unaccompanied youth, their grade level, and their nighttime residence for the year and report this data annually to NYSED. The district liaison must inform school personnel, service providers and advocates working with homeless families of the duties of the district liaison. 8 NYCRR §100.2(x)(7)(iii)(d) & (e) 42 USC §11432(g)(6)(A); 8 NYCRR §100.2(x)(7)(iii)

REIMBURSEMENT AND EXPENSES

Tuition Reimbursement

Where either the school district of current location or a school district participating in a regional placement plan is designated as the school district which the homeless child will attend and such homeless child's school district of origin is within New York State, the school district providing instruction will be eligible for reimbursement by the Department for the direct cost of educational services, not otherwise reimbursed under special federal programs, calculated pursuant to regulations of the Commissioner for the period of time for which such services are provided. The claim for reimbursement must be on the STAC 202 form prescribed by the Commissioner. *NY Education Law §3209(3)(a)*

Transportation Expenses

- A school district may receive State aid to offset expenditures incurred by the school district for the transportation of homeless, temporarily housed and/or unaccompanied youth under certain circumstances,
- To the extent funds are provided for such purpose, OCFS must provide transportation for each homeless, temporarily housed and/or unaccompanied youth who lives in a residential program for runaway youth and homeless youth located outside of the designated school district. If the runaway and homeless youth shelter is not capable of transporting or contracting for transportation, the school district must provide transportation. The costs for transportation will be reimbursed by the Department with the submission of a Runaway and Homeless Youth Act Transportation Program Form, which is available from the Homeless Education Program Office (518-473-0295). *NY Education Law §3209(4)(b)*

DISPUTE AND RESOLUTION PROCESS

LEA's must continue enrollment and transportation during any dispute involving eligibility, school selection, enrollment or transportation pending final resolution of the dispute, including all available appeals. School districts must continue enrollment in the designated school and provide transportation until the commissioner issues a final decision.

This school district has established the following procedures for the prompt resolution of disputes regarding school selection or enrollment of a homeless, temporarily housed and/or unaccompanied youth:

- Provide a written explanation, including a statement regarding the right to appeal to the homeless, temporarily housed youth's parent or guardian and/or unaccompanied youth .
- If the parent or guardian of a homeless child or youth or unaccompanied youth commences an appeal to the Commissioner within 30 days of such final determination, the homeless child or youth will be permitted to continue to attend the school he or she is enrolled, participate fully in at the time of the appeal and receive transportation to that school until the Commissioner renders a decision on.
- Upon the Commissioner's decision in favor of the homeless, temporarily housed and/or unaccompanied youth, the student will continue their McKinney-Vento Status within the district of attendance. However, if the Commissioner's decision is in favor of the district, the homeless, temporarily housed and/or unaccompanied youth can be asked to leave the school.
- If the Commissioner sustains the appeal, the homeless child or youth or unaccompanied youth can continue attending the school at issue. However, if the Commissioner dismisses the appeal, the homeless child or youth or unaccompanied youth can be asked to leave the school immediately. *42 USC §11432(g)(3)(E); 8 NYCRR §100.2(x)(7)(ii); U.S. Department of Education, Education for Homeless Children and Youth Program, Non-Regulatory Guidance (July 2004)*

District Liaison's Dispute Resolution Responsibilities

- The district liaison must assist the homeless, temporarily housed youth's parent or guardian and/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.

- The district liaison must provide the parent or guardian or unaccompanied youth with a copy of the form petition, which is available at: <http://www.counsel.nysed.gov/appeals/petition.htm>.
- The district liaison must assist the parent or guardian or unaccompanied youth in completing the form petition.
- The district liaison must 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.
- The district liaison must 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.
- The district liaison must provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgment verifying that the homeless 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.
- The district liaison must 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.
- The district liaison must provide the parent or guardian or unaccompanied youth with a signed and dated acknowledgement verifying that the homeless 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.
- The district liaison must 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.
- The district liaison must 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 OF SERVICES

- The school district must coordinate the provision of services provided with local social services agencies and other agencies or programs providing services to homeless, temporarily housed and/or unaccompanied youth and their families, including services and programs funded under the Runaway and Homeless Youth Act.

- The school district must coordinate with other school districts on interdistrict issues, such as transportation or transfer of school records. *42 USC §11432(g)(5); 8 NYCRR §100.2(x)(7)(vi)*

COORDINATION WITH TITLE I

The school district acknowledges that homeless, temporarily housed and/or unaccompanied youth 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 school district will ensure that:

- Title I, Part A funds are set aside as are necessary to provide homeless children who do not attend participating schools with services comparable to those provided to children in Title I, Part A funded schools, including providing educationally related support services to children in shelters and other locations where homeless children may live.
- An LEA receiving Title I, Part A funds must include in its local plan a description of how the plan is coordinated with McKinney-Vento.
- The local plan must describe the services provided to homeless children.
- If an LEA states that there are no homeless children or unaccompanied youth in non-Title I schools, the LEA must describe the efforts it made to identify homeless children and unaccompanied youth. Such efforts must include contacting the local department of social services or OCFS to verify that there are no homeless children or unaccompanied youth in the LEA.
- The LEA must also document that their enrollment form/residency questionnaire asks 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 LEA's efforts to identify homeless children and unaccompanied youth must be maintained on file and a copy of the LEAs enrollment form/residency questionnaire which asks the above questions must also be kept on file.

REPORTING

Each school district must collect and transmit to the Commissioner, at such time and in such manner as the Commissioner may require, a report containing such information as the Commissioner determines is necessary, including the numbers of homeless students, their grade, and their nighttime residence. *8 NYCRR §100.2(x)(7)(vii)*

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