

Policy Information

Series 5000 - Students

Elementary & Secondary Attendance Education of Homeless Children

Policy # 5120

The Board of Education recognizes its responsibility to identify homeless children within the District, encourage their enrollment in the District's schools and eliminate existing barriers to their education, which may exist in District practices. The Board will provide homeless children who attend the District's schools with access to the same free and appropriate public education, including preschool education, as is provided to 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.

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 (where the temporary housing is located), or a district participating in a regional placement plan. If the student was not a resident of New York State when he/she became homeless, the student is deemed to be a resident of the District without regard to the district of origin or district of current location.

Admission

Upon designation of the District as the school of attendance, 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 not be placed in separate schools or programs based on their status as homeless. Homeless children will be provided with access to all District programs, activities and services to the same extent as provided to other resident students.

Transportation

Unless the homeless child is entitled to transportation provided by the Division for Youth or the Department of Social Services, the designated district shall provide transportation services to the child between the temporary residence and school in accordance with applicable law. Transportation must not be provided for more than 50 miles each way unless the Commissioner of Education certifies that the transportation is in the child's best interest. The responsibility for the cost of transportation lies with the district of origin.

School Records

For homeless students attending school outside 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 papers, if applicable, to the designated District.

The Board of Education shall designate a liaison for homeless children at its annual organizational meeting. The Superintendent shall ensure that this person is aware of his/her responsibilities under the law. Among other responsibilities, the liaison shall ensure that:

- parents of homeless children are informed of the educational and related opportunities available to them, including transportation;
- enrollment disputes involving homeless children are promptly mediated and resolved;
- school personnel in coordination with shelters and social service agencies and other appropriate entities identify homeless children, including homeless preschoolers;
- homeless children receive educational services, including Head Start and preschool services to which they are eligible, as well as referrals to health care and other appropriate service;
- the school of attendance does not separate or segregate the homeless child from the mainstream school environment based on the child's homelessness;
- the child has access to all district programs, activities and services to the same extent as they are provided to resident students;
- if the child resides in a domestic violence shelter, all necessary steps are taken to protect the child's safety, including protecting the child's identity in school database systems, arranging anonymous pick up and drop off locations for school buses and helping the family file copies of protective orders with schools, and; arrangements are made for the child's transportation to and from school.
- for a child who previously attended the District and is designating another district for attendance, a complete copy of the homeless child's records, including but not limited to proof of age, academic records, evaluations, immunizations and medical records and guardianship papers, if any, is sent to the designated district within five days of receipt of a request for school records.

If, after investigation, it is determined that a child is not homeless and does not reside within the boundaries of the District, the Superintendent shall provide written notice to the parent/guardian within two business days that the child is not entitled to attend the District's schools, the basis for the determination, the date as of which the child will be excluded from attendance (a date at least 30 days from the date of the determination) and that the determination may be appealed to the Commissioner of Education. If an appeal is filed and a stay is requested, the District must continue to enroll the student until the Commissioner rules on the stay request.

In accordance with the Commissioner's Regulations, the District shall collect and transmit to the Commissioner information necessary to assess the educational needs of homeless children within the State.

The Superintendent of Schools shall develop procedures to expedite the homeless child's access to the designated school in accordance with law and this policy

Policy References:

Ref: 42 USC §§ 11431, et seq.

School Enrollment Guidelines on the McKinney-Vento Act, 67 Fed. Reg. 10,697-10,701 (March 8, 2002)

Education Law §§207; 305; 3202; 3205; 3209

Executive Law §§532-b; 532-e

Social Services Law §§17; 62; 397

8 NYCRR §§100.2; 175.6

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