

Category: **STUDENTS**

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Subject: STUDENTS IN TEMPORARY HOUSING

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## **SUMMARY OF CHANGES**

This regulation updates and supersedes Chancellor's Regulation A-780 dated September 26, 2008.

This regulation is updated to conform to the current provisions of the McKinney-Vento Homeless Assistance Act of 2001 and ensures that homeless children receive the programs and services that children with permanent residences receive, including services provided under other federal programs.

### Changes:

- This regulation emphasizes the right to immediate enrollment for students in temporary housing, even without documents.
- This regulation clarifies the dispute resolution and appeal process.

### ABSTRACT

The McKinney-Vento Homeless Assistance Act (“McKinney-Vento Act”) of 2001 mandates that homeless children and youth be guaranteed equal access to the same free appropriate public education provided to children permanently housed in the community. The New York City Department of Education is the Local Educational Agency responsible for implementation and coordination of McKinney-Vento Act requirements on education in New York City. Students residing in temporary housing must not be isolated from the mainstream school environment or stigmatized because of where they live. All services and programs offered by the NYC Department of Education (including school meals and before and after-school programs) shall be available to homeless children and youth.

#### I. DEFINITIONS

- A. **Homeless<sup>1</sup> child means** a child, including a student with disabilities, who lacks a fixed, regular, and adequate nighttime residence. This includes a child who:
1. Is living with a friend, relative or someone else because their family lost their housing due to economic hardship, or a similar reason (referred to as “doubled up”), or is living in a motel, hotel, trailer park, or camping ground due to the lack of alternative adequate accommodations, or
  2. Is living in a subsidized publicly or privately operated shelter designed to provide temporary living accommodations (including commercial hotels, congregate shelters, and transitional housing for the mentally ill), or
  3. Is awaiting foster care placement, or
  4. Is living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation, or
  5. Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings.
- B. **Child and Student** - The terms “child” or “student” include those persons who, were they children of residents of the State, would be entitled to a free education. Students include pre-school students with disabling conditions between the ages of three and five and children with disabling conditions between the ages of 5 and 21 who have not graduated from high school. Child may also include unaccompanied youth, as defined below.
- C. Unaccompanied youth means a youth not in the physical custody of a parent<sup>2</sup> or guardian and who meets the definition of homeless set forth above.
- D. School of origin means the school the child attended when permanently housed or the school in which the child was last enrolled.
- E. School of current location means the school that is zoned for the address at which the child is actually living or the school which other students living in the same area as the child are eligible to attend.
- F. Family Assistant refers to the staff assigned to work with shelters and schools to provide assistance to homeless families. Family Assistants help students enroll in or transfer to

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<sup>1</sup> The definition of “homeless” in this regulation is only for purposes of implementation of the McKinney-Vento Act and should not be construed to confer any additional rights outside the McKinney-Vento Act.

<sup>2</sup> The term “parent” includes parent (by birth or adoption, stepparent, foster parent), legally appointed guardian, or a person in parental relation to a child or children currently attending a school, including a child who is attending a non-citywide school full time while on the register of Citywide Program (known as District 75).

schools, obtain transportation assistance and other services for which they are eligible under the McKinney-Vento Act.

- G. Student in Temporary Housing (“STH”) Liaison refers to the person(s) who ensures that the services are in compliance with the McKinney-Vento Act.

## II. **IDENTIFICATION OF HOMELESS STUDENTS**

- A. Schools shall display in a prominent location posters that set forth the basic rights of homeless children and provide information about the STH Liaison(s). For additional posters, schools should contact their STH Liaison.
- B. School staff who become aware of any student who is or may be a homeless student and who needs assistance should contact the STH Liaison(s).
- C. Schools shall have information sheets (McKinney-Vento Act Guide for Parents) that set forth the basic rights of homeless students. These information sheets shall be available, at a minimum, in the office of the Parent Coordinator. The McKinney-Vento Act Guide for Parents that can be distributed is included in this regulation as Attachment No. 1 and on the Department of Education’s website at the below link. <http://schools.nyc.gov/StudentSupport/NonAcademicSupport/StudentsinTemporaryHousing/default.htm>.
- D. Family Assistants also shall provide the McKinney-Vento Act Guide for Parents to parents in homeless shelters.
- E. Residency Questionnaire Form - In school year 2006-2007, schools distributed the residency questionnaire to every student, and asked that the residency questionnaire be completed by the parent in order to determine services the student may be eligible to receive under the McKinney-Vento Act. In all subsequent years, schools must provide and request the completion of the residency questionnaire to all newly enrolled students and students who change their addresses during the school year. Schools enter information that a student is homeless into ATS in the student’s bio page (BIOU) and update changes as appropriate. The residency questionnaire is included in this regulation as Attachment No. 1 and is accompanied by the McKinney-Vento Act Guide for Parents & Youth (Attachment No. 2).

## III. **SCHOOL ENROLLMENT**

- A. Selection of Schools
1. A homeless student for whom the New York City school district is the designated school district is eligible to attend the following schools:
    - a. The school of origin or the school of current location.<sup>3</sup>
      - i. Homeless students follow the same procedures as all New York City students when there is no zoned school in their school district as outlined in Chancellor’s Regulation A-101.
      - ii. The choice about where the child will attend school, that is, whether or not a homeless student will change schools or remain in their school of origin, shall be made on the basis of the “best interest” of the student. To the extent feasible, a student shall be kept in the school of origin, unless this is contrary to the wishes of the student’s parent. Among the factors to consider in making a best interest determination are: the age of the student, the distance the student would have to commute to school, student safety issues, the student’s need for special education (discussed further below), and the time remaining in the school year.

<sup>3</sup> As defined in Section I of this regulation, school of origin means the school the child attended when permanently housed or the school in which the child was last enrolled. School of current location means the school that is zoned for the address at which the child is actually living or the school which other students living in the same area as the child are eligible to attend.

- b. For parents of a student with a disability who is recommended for special class or Collaborative Team Teaching or District 75 who wish to transfer to a school of current location, the transfer school (or new school for newly enrolling students) will be determined by the Office of Student Enrollment (“Student Enrollment”) or the Committee on Special Education, where applicable. For all students recommended for District 75 programs, the school will be determined by the District 75 placement office.
  - If a homeless student changes schools while the student is in the process of a special education initial evaluation, annual review or reevaluation, the evaluation or review should be completed by the school where the student is currently registered.
- c. A student who becomes homeless has a right to transfer to and enroll in another public school for which he/she meets the school eligibility criteria and according to the DOE regulations. Homeless students are not required to demonstrate a travel or other hardship before transferring to and enrolling in another school.
- d. The choice about whether or not a student should remain in the school of origin or change schools shall be available each time a student moves to a different temporary housing arrangement.
- e. In selecting a school, homeless students should be encouraged to remain in their school of origin to the extent feasible, unless the parent elects not to, or in the case of an unaccompanied youth, the student elects not to.
- f. Regular attendance of homeless children is of paramount importance, and the school must make every effort to ensure regular attendance. If a student has sporadic attendance, the school must contact the parent and the Family Assistant and/or STH Liaison(s) to identify services that may be needed or whether alternative schooling arrangements should be arranged.
- g. Students who do not transfer into a school of current location are to be provided with assistance to maintain continuity of education at their school of origin. Transportation (discussed in Section VII) must also be arranged by Family Assistants or the STH Liaisons.
- h. Subject to the provisions of Chancellor’s Regulation A-101, a homeless student, once enrolled in a school, can remain in that school through its terminal grade, even if the student becomes permanently housed and is no longer homeless.

#### B. Enrollment Assistance

- a. Family Assistants shall assist parents in enrolling students in school in coordination with and in accordance with the procedures of the Office of Student Enrollment. Homeless students, including students with disabilities, may be referred to the Borough Enrollment Office for school enrollment or transfer purposes.
- b. The school selected **shall immediately enroll** the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, including: proof of residency; transcripts/school records; immunizations or other health records; birth certificate. Family Assistants and school staffs are required to assist parents or unaccompanied youth in obtaining such documents. If immunization records cannot be obtained, the parent, in consultation with the STH Liaison(s), should be referred to a walk-in immunization clinic for assistance.
- c. Children must immediately be admitted to school while proof of birth, immunization, and other school records are being located and/or verified.

C. Pre-kindergarten

Children must be placed in pre-kindergarten classes if these services are available to permanently housed children in the district and if there is space, in accordance with the same procedures followed for permanently housed children. If there are no pre-kindergarten classes in the district, every effort should be made to find an appropriate placement for the children whose parent(s) request pre-kindergarten classes. Pre-kindergarten students in temporary housing are entitled to transportation. Please refer to Section VII of this regulation.

**IV. DISPUTE RESOLUTION AND APPEAL PROCESS**

A. Dispute Resolution Process

In the event the parent of a homeless student or an unaccompanied youth has a disagreement with the DOE over student enrollment or selection, including the student's status as a homeless student or provision of transportation to attend the selected school,

1. Every effort should be made to resolve the dispute without the need for a formal appeal to the State Education Department ("SED").
2. If an agreement cannot be reached promptly, the parent/student, in consultation with the STH Liaison(s), should be referred to the Executive Director for Borough Enrollment
3. If the dispute cannot be resolved, the Executive Director for Borough Enrollment shall refer the parent/student to the Chief Executive of the Office of Student Enrollment ("Student Enrollment") for a final written determination and notice of appeal rights.

B. Appeal Process and Interim School Placement

1. If the parent/student indicates that he/she wants to appeal a final determination regarding enrollment or selection, as described above, the parent/student shall be referred to the STH Liaison(s) in the appropriate Borough and the student shall be immediately placed in the school in which enrollment is sought (either the school of origin or the school of current location), and transportation shall be provided, pending resolution of the dispute.
2. The STH Liaison shall assist the parent/student with the appeal forms and application and submit the documentation to SED within 30 days of the initial DOE's decision. If the parent appeals within 30 days of the DOE decision, the student shall remain/enroll in the selected school pending the decision on appeal. If the parent fails to appeal, the DOE's placement decision may be implemented.
3. The STH Liaison shall (a) provide the parent with a copy of the written procedure for appealing (this document is also available at <http://www.counsel.nysed.gov/appeals/homelessForms.htm>); (b) assist the parent/student in completing the appeal petition; (c) make necessary copies of appeal papers; and (d) transmit the appeal papers to SED. The STH Liaison also shall accept service of the petition on behalf of the DOE or arrange for appropriate service on any named respondents and provide verification of service to the parent/student.

**V. COMPARABLE SERVICES**

Homeless children and youth, including students with disabilities, must be provided with services comparable to services offered to other students in the school, including educational services for which the child meets the eligibility criteria such as compensatory educational programs for the disadvantaged, e.g., Pupils with Compensatory Education Needs (PCEN), Chapter 1 and educational programs for the disabled and for students with limited English proficiency, programs in vocational education, programs for the gifted and talented, and school meal programs, provided, however, if space in a particular program has been capped for all students, no exceptions will be made for homeless students.

**VI. MEAL ELIGIBILITY FORMS FOR HOMELESS CHILDREN AND YOUTH**

Per Chancellor's Regulation A-810, students residing in temporary housing are eligible to receive free school meals.

**VII. TRANSPORTATION**

All homeless students, including students receiving special education services, in Grades Pre-k through 12 who have been placed in temporary housing are exempt from age and distance requirements and are eligible for free transportation as long as they are homeless students (see Chancellor's Regulation A-801).

For homeless students in shelters, the Family Assistants and/or STH Liaison will coordinate with the Office of Pupil Transportation ("OPT") to determine if a yellow bus route is available for a student who does not need specialized transportation to travel to/from school. If yellow bus transportation has not been arranged for a homeless student, school staff should consult with the Family Assistant and/or STH Liaison for assistance. Yellow Contract Bus Service will be provided to homeless students, Grades K-6, whenever an appropriate route exists to provide such service.

If yellow bus transportation is not available or appropriate, homeless students are eligible for a full fare Metrocard without regard to their age or the distance from their temporary housing accommodations to school.

Pre-kindergarten students are also entitled to transportation and will receive MetroCards only.

Parents of homeless students in Grades Pre-k through 6 who receive a MetroCard to travel to/from school are eligible for 14-day MetroCards in order to accompany their children to/from school. Family Assistants and STH Liaisons will provide 14-day MetroCards to parents upon request as warranted.

If the student is registering in a new school and the IEP recommends special transportation, the Special Education Placement Officer will contact OPT for transportation arrangement. If the student changes his/her address and remains in the same school, the school is responsible for updating the student's new residence in ATS. Once the change is in ATS, OPT will arrange the new bus route within 5 business days. The STH Liaison will coordinate with OPT for the arrangements of the new bus route. If a child using this service is absent for more than 3 consecutive school days without the bus company being informed of the reason for the absence, the bus company must contact OPT. In such cases, service for the child may be suspended until further notice. In the case of homeless students who attend a District 75 Citywide Program, Student Enrollment will contact District 75 placement personnel who will then arrange for placement and/or transportation.

If any student is residing in a Domestic Violence Shelter, the address of that shelter must remain anonymous and will not be entered into ATS. Instead, an OPT-77 Form must be completed and transportation arranged directly with OPT.

**VIII. SERVICES FOR FAMILIES AS THEY MOVE INTO PERMANENT HOUSING**

Family Assistants should also meet with families residing in a Department of Homeless Services ("DHS") shelters prior to their moving into permanent housing to ensure a smooth transition. Temporarily housed families not residing in DHS shelters who need assistance as they move to permanent housing, should contact the STH Liaison(s) in their borough. Parents shall be informed that their children have the right to stay in their current schools through the terminal grade. In regard to transportation, when homeless students become permanently housed, they are subject to the same eligibility rules as non-homeless students as set forth in Chancellor's Regulation A-801.

**IX. INQUIRIES**

Inquiries pertaining to this regulation should be addressed to:

Telephone:	<i>Office of School and Youth Development</i>	Fax:
212-374-0860	<i>Students in Temporary Housing Senior</i>	212-374-5751
212-374-2530	<i>Program Manager</i>	
	N.Y.C. Department of Education	
	52 Chambers Street – Room 218	
	New York, NY 10007	

## Residency Questionnaire

**Parent/Guardian/Student:**

This form is intended to address the McKinney-Vento Act 42 U.S.C. 11435, and must be completed for each student. The information you provide is confidential. Your child will not be discriminated against based upon the information provided.

Please complete the following questions regarding the student's housing in order to help determine services the student may be eligible to receive.

**Note to schools/Temporary Housing Liaisons:** Please assist students and families in filling out this form. Do not simply include this form in the registration packet, because if the student qualifies as residing in temporary housing, the student is not required to submit proof of residency and other required documents that may be part of the registration packet.

Student Name			
Last	First	Middle	
OSIS #	Date of Birth MM/DD/YY	Gender	School

Please identify the student's current living arrangements. Please check one box:

Check (√)	Residency Questionnaire Choice	School Use Only
		ATS Code
<input type="checkbox"/>	<b>Doubled-Up</b> With another family or other person because of loss of housing or as a result of economic hardship	<b>D</b>
<input type="checkbox"/>	<b>Shelter</b> Emergency or transitional shelter	<b>S</b>
<input type="checkbox"/>	<b>Awaiting Foster Care Placement</b>	<b>A</b>
<input type="checkbox"/>	<b>Hotel / Motel</b> Living in what is NOT an emergency or transitional shelter <b>and</b> involves payment	<b>H</b>
<input type="checkbox"/>	<b>Other Temporary Living Situation</b> Trailer park, campground, car, park, public places, abandoned building, street, or any other inadequate living space	<b>T</b>
<input type="checkbox"/>	<b>Permanent Housing</b> Student who is living in a fixed, regular, and adequate housing situation	<b>P</b>

If the student is NOT living in permanent housing, also indicate if the below applies:

	Residency Questionnaire Choice	School Use Only
<input type="checkbox"/>	<b>Unaccompanied Youth</b> Youth who is not in the physical custody of a parent or guardian	<b>Enter "Y" if applicable</b>

\_\_\_\_\_  
Parent/Guardian Name (print)

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

**Please return this form to your child's school as requested.**

**Note:** The answer you give above will help determine what services you or your child may be eligible to receive under the McKinney-Vento Act. Students who are protected under the Act are entitled to immediate enrollment in school even if they do not have the documents normally needed, such as proof of residency, school records, immunization records, or birth certificate. After the student has been enrolled, the new school must contact the last school attended to request the student's educational records, including immunization records, and Students in Temporary Housing (STH) Liaison(s) must help the student get any other necessary documents or immunizations. Students who are protected under the McKinney-Vento Act may also be entitled to free transportation and other services.

**This form is accompanied by a one-page attachment titled,  
"McKinney-Vento Homeless Assistance Act – Students in Temporary Housing Guide for Parents & Youth."**



## McKinney-Vento Homeless Assistance Act Students in Temporary Housing Guide for Parents & Youth

TOPIC	IMPORTANT INFORMATION
<p><b>Children living in the following situations are considered homeless for the purposes of education rights under the McKinney-Vento Act:</b></p>	<ul style="list-style-type: none"> <li>In a shelter, transitional shelter, motel, campground, abandoned in a hospital, or awaiting foster care.</li> <li>In a car, park, public place, bus, train or abandoned building.</li> <li>Doubled up with friends or relatives because you cannot find or afford housing.</li> </ul>
<p><b>Unaccompanied Youth</b></p>	<ul style="list-style-type: none"> <li>Youth who is not in the physical custody of a parent or guardian and who meets the definition of homelessness set forth in the explanation above.</li> </ul> <p style="text-align: center;"><i>Unaccompanied homeless youth have the same rights as homeless students who reside with a parent or guardian.</i></p>
<p><b>Students who fall under the McKinney-Vento Act's definition of homeless have the following rights:</b></p>	<ul style="list-style-type: none"> <li>To a free public education.</li> <li>To immediate enrollment in the zoned school.</li> <li>To attend school no matter how long they have lived at their current location.</li> <li>To stay in their school of origin (school attended before becoming homeless or the last school attended) or choose to attend their new zoned school.</li> <li>To transportation services to and from school.</li> <li>To not be denied immediate school enrollment just because of their situation or because they lack enrollment documentation.</li> <li>To not be separated from the regular school program because they are homeless.</li> <li>To receive free school meals.</li> </ul>
<p><b>Important information:</b></p>	<ul style="list-style-type: none"> <li>Each borough Integrated Service Center (ISC) has at least one Students in Temporary Housing (STH) Content Expert who serves as the STH liaison and manages programs and services designed to help children who are homeless pursue their education. The STH Content Expert supervises a team of Family Assistants.</li> <li>Each Children First Network (CFN) has a designated STH liaison available to assist children who are homeless with their educational needs.</li> <li>Additionally, District 75 and District 79 each have a designated STH liaison available to assist children who are homeless with their educational needs.</li> <li>Family Assistants are located at shelters and in some schools. They are responsible for assisting homeless parents and their children with their educational needs.</li> <li>Family Assistants are available to assist the child's parent/guardian with school enrollment, obtaining immunizations, school records, and arranging transportation to and from school. School staff should not hesitate to contact their STH liaison for individual questions, to arrange training, or to assist unaccompanied youth.</li> </ul>
<p><b>School Selection:</b></p>	<p>Schools must allow parents/guardians to choose the child's school when their child is homeless. The parent/guardian may choose among the following:</p> <ol style="list-style-type: none"> <li>The school the child attended when permanently housed (school of origin);</li> <li>The school in which the student was last enrolled; or</li> <li>Any school available to a permanently housed child residing in the area where the homeless student is currently residing.</li> </ol>
<p><b>School Enrollment: (Apply only if your child is not currently enrolled or you want to change school)</b></p>	<ul style="list-style-type: none"> <li>Elementary School – register your child at your zoned school. If you are currently residing in a NYC Department of Homeless Services shelter, the family assistant at your shelter will be able to assist you, if needed. If there is no family assistant in your shelter or if you are not residing in a shelter, please contact your STH liaison for assistance.</li> <li>Middle School – same procedure as elementary school except where your district does not have zoned middle schools, then you must report to the Borough Enrollment Center. For the location of your Borough Enrollment Center, please call 311.</li> <li>High School – all high school students must register at the Borough Enrollment Center. For the location of the nearest Borough Enrollment Center, please call 311.</li> </ul>
<p><b>Enrollment Disputes:</b></p>	<ul style="list-style-type: none"> <li>If a dispute arises over the school selection or enrollment, your child must be immediately admitted to the school in which he/she is seeking enrollment, pending resolution of the dispute.</li> <li>The parent/guardian must be provided with a written explanation of the school decision on the dispute, including the right to appeal, and referred to the STH Family Assistant or STH liaison for assistance.</li> </ul>
<p><b>Transportation:</b></p>	<ul style="list-style-type: none"> <li>Students who are defined as homeless by the McKinney-Vento Act are entitled to transportation to and from school, if necessary.</li> <li>If available, busses will be provided to students grades K-6; if not available, they are eligible for student MetroCard.</li> <li>For students in grades Pre-K to 6 who are eligible for transportation and receive a student MetroCard, their parents/guardians are eligible for public transportation assistance (MetroCard) to accompany the child.</li> <li>Students in grades 7-12 are eligible for student MetroCard.</li> </ul>

**For more information, please contact your borough Integrated Service Center or your Children First Network to speak to an STH liaison or call 311.**